

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

CHARLES BOYLE, )

Plaintiff, )

vs. ) No. 09 C 1080

UNIVERSITY OF CHICAGO POLICE )

OFFICER LARRY TORRES, STAR #1028, )

et al., )

Defendants. )

The deposition of CHARLES BOYLE called for  
examination pursuant to Notice and the Rules of Civil  
Procedure for the United States District Courts  
pertaining to the taking of depositions, taken before  
Jennifer A. Buckley, a notary public within and for the  
County of Cook and State of Illinois, at 222 North  
LaSalle Street, Suite 300, Chicago, Illinois, on the  
26th day of October 2009, at the hour of 2:00 p.m.

Reported By: Jennifer A. Buckley, CSR

License No. 084-003632

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1 (Witness sworn.)

2 MR. PUJSZIS: Would you please state your full name  
3 and spell your last name for the benefit of the court  
4 reporter.

5 THE WITNESS: Could you repeat that for me, please.

6 MR. PUISZIS: Would you please state your full name  
7 and spell your last name for the benefit of the court  
8 reporter.

9 THE WITNESS: Oh, my name is Charles DeAngelo DuPre  
10 Boyle. The last name is B-o-y-l-e.

11 MR. PUISZIS: Mr. Boyle, we're here to ask you some  
12 questions about a lawsuit that you filed. If at any  
13 time you don't hear my question or don't understand it,  
14 please tell me and I'll be glad to repeat or restate the  
15 question. All right?

16 THE WITNESS: All right. Thank you.

17 MR. PUISZIS: The court reporter is going to be  
18 taking down everything we say in the room today. While  
19 she's very good, she's can't take down a nod of the head  
20 or a shrug of the shoulders. So while I'll know what  
21 your answer is, she won't be able to get it down on the  
22 machine, so please keep all your answers verbal in  
23 nature.

**24 THE WITNESS:** Sure thing.

1           MR. PUISZIS: Finally, the court reporter can't  
2       take down two people speaking at one time. So there'll  
3       be times during the deposition when you recognize what  
4       my question is, but let me finish it before you begin  
5       answering it so the court reporter can get an accurate  
6       transcript of everything that's said today. All right?

7           THE WITNESS: Understood.

8           CHARLES BOYLE,

9       called as a witness herein, having been first duly  
10      sworn, was examined and testified as follows:

11           EXAMINATION

12      BY MR. PUISZIS:

13      Q    Okay. Now, you told us your full name. Have  
14      you ever been known by any other name?

15      A    Yes.

16      Q    What other name?

17      A    My birth name I was Charles Cain with the  
18      middle names that I stated before. It was Charles  
19      DeAngelo Dupre Cain as my birth name. My name was  
20      changed, but it wasn't used until the year 2005 like my  
21      senior year of high school. But it was changed from I'm  
22      not sure what year. But it was changed very early, but  
23      I didn't use it because all my school records were in my  
24      original name. So it was used Charles Boyle, and

1       sometimes they were used in conjunction as Charles Cain  
2       Boyle.

3           Q    Okay. So is Cain C-a-i-n or C-a-n-e?  
4           A    C-a-i-n.

5           Q    And that's your birth name?  
6           A    Yes, sir.

7           Q    Okay. And you said it was changed early on.  
8        Do you know when your name was changed?

9           A    I want to say 1996. That's a rough estimate,  
10      though.

11          Q    How old were you in 1996 approximately?  
12          A    9.

13          Q    Do you know why your name was changed?  
14          A    That is the name of my mother's father which  
15      would be my grandfather and we actually went to live  
16      with him during his elderly age where he resided in  
17      Memphis, Tennessee, and I believe he wanted under the  
18      circumstances to take his name.

19          Q    So is Boyle your maternal grandfather's name?  
20          A    Yes.

21          Q    And do you know where your name was changed?  
22      Was it in Memphis, Tennessee, or in Chicago?  
23          A    I'm pretty sure it was in Chicago.

24          Q    Do you know if any papers were filed to

1 change your name legally?

2 A I'm pretty sure they were.

3 Q Do you know who has copies of those papers?

4 A City Hall I'm guessing.

5 Q How old are you, sir?

6 A I'm 22-years-old.

7 Q And you were born in Chicago?

8 A Yes.

9 Q Can you tell me about your educational  
10 background?

11 A Educational background I graduated high  
12 school from Kenwood Academy High School located in Hyde  
13 Park in Chicago. I went to college at the University of  
14 Illinois for a year and a half, walked on. I played  
15 football in high school as well all conference all four  
16 years. I'll just throw that in there. I played  
17 football a lot at U of I. I played for just a small  
18 amount of time due to injury or whatever. And then I  
19 took a year off to work at Chicago Public Schools and  
20 then I enrolled at Columbia College where I am currently  
21 in school.

22 Q So when did you graduate from Kenwood  
23 Academy?

24 A The year 2005.

1 Q And you told us you were a football player  
2 for four years at Kenwood?

3 A Yes.

4 Q All conference all four years?

5 A Yes.

6 Q What position did you play?

7 A I played defensive tackle. I played  
8 offensive line. I played guard. I couldn't play  
9 tackle. I'd get crushed. I played guard and then later  
10 I played fullback last year, my last year there. And I  
11 was on the all conference two years, you know.

12 Q Any scholarship offers for football?

13 A I started to get some, but there was a lot of  
14 coach changing. 2005 Ron Turner actually got fired for  
15 Ron Zook. And so when I was in negotiations with them,  
16 a lot of stuff just went strange and I didn't want to go  
17 there so I stayed in contact with the coach there and  
18 walked on.

19 Q Okay. Can you give me your height and weight  
20 approximately?

21 A I am five-eleven and three-fourths I believe  
22 and 240 pounds.

23 Q And on October 18 of 2008 were you  
24 approximately the same height and weight?

1 A I want to say so. I might have been a little  
2 slimmer actually, maybe 235.

3 Q I take it to be a D1 recruit you had to be  
4 pretty strong in high school?

5 A Yeah, I was pretty strong in high school.

6 Q Lifted a lot of weights?

7 A Oh, yeah.

8 Q What was your best lift?

9 A Bench.

10 Q How much have you benched?

11 A Max I probably maxed out at three not that  
12 much. Maybe I want to say like 340 or something, 345 or  
13 something like that.

14 Q Do you still lift today?

15 A Not really. I'm a more cardio guy now.

16 Q Okay. What about in terms of squats, what's  
17 your best squat?

18 A I actually injured myself squatting. I  
19 forgot what exactly I was doing on the squat, but I know  
20 I heard a crack that sounded pretty bad. I don't like  
21 squatting that much.

22 Q Before you were hurt what was your maximum  
23 with the squat?

24 A Maybe something I could probably squat three

1 something, like a real nice squat maybe 300 something.

2 Q What about leg press? If you're a fullback,  
3 you got to have pretty strong legs.

4 A Leg press probably like I want to say like  
5 700 pounds.

6 Q Okay. Now, can I have your date of birth?

7 A It is 4/7/87.

8 Q You told us you're currently going to  
9 Columbia College?

10 A Yes.

11 Q What are you working on towards your degree?

12 A I'm working on music business.

13 Q Music business?

14 A Yes, sir.

15 Q And what college were you enrolled in at  
16 University of Illinois?

17 A Liberal arts and sciences.

18 Q Had you declared a major at U of I?

19 A I actually changed. I actually worked at  
20 when I was like 16, I worked at Leo Burnett and I  
21 started to discover an interest for advertising for some  
22 odd reason. So I looked into advertising at first.

23 Well, business was my first intent, getting into the  
24 college of business but then I started looking into

1 advertising. And then I realized, hey, you're changing  
2 majors a lot too much. So I decided to stay with  
3 business but more so what aspect I was interested in.

4 Q Okay. Now, between University of Illinois  
5 and Columbia College any other school?

6 A No.

7 Q Okay. When did you leave U of I? You said  
8 you were there for about a year and a half.

9 A I left U of I at the end of I want to say  
10 that would be fall of -- wait. The first semester  
11 starts in the fall. Second semester is in the spring.  
12 So I left after the first semester of my second year.

13 Q Which would have been approximately when?

14 A I don't think the year is up yet, so I want  
15 to say '06 spring. I want to say spring '06 because the  
16 year doesn't change until -- that's when you get the  
17 break for a semester. So I want to say '06.

18 Q So it would have been around December of  
19 2006?

20 A Yeah, something like that.

21 Q And then when did you re-enroll at Columbia  
22 College?

23 A Last year.

24 Q 2008?

1 A Yes.

2 Q Did you do -- what do you do with yourself  
3 between December of 2006 and then when you re-enrolled  
4 in 2008 at Columbia?

5 A What did I do with myself?

6 Q Yeah.

7 A I worked at Chicago Public Schools as an  
8 intern in the office of special ed services.

9 Q Office of special?

10 A Special ed services delivering special needs  
11 children but I was doing more clerical work.

12 Q How long did you work for Chicago Public  
13 Schools?

14 A I want to say a year and a couple months.

15 Q What was your reason for leaving Chicago  
16 Public Schools?

17 A I was an intern.

18 Q So why did you leave? It sounded like a  
19 pretty good gig.

20 A It was pretty good. There was a lot of  
21 layoffs going on, and I was thinking about going back to  
22 school so it worked out.

23 Q Did you go to work anywhere else after  
24 Chicago Public Schools?

1 A Yes. I then went to work at Old Saint

2 Patrick's Church. Can I say something?

3 Q Sure.

4 A I've never actually – that was something I

5 always used to say just bragging around the guys. It's

6 actually never been measured even though my stat sheets

7 that I send to colleges I never was on there so I

8 actually don't know. It's never been measured. But

9 since I've been asked that like a lot by a lot of guys,

10 I don't know. I just always throw that out. It sounds

11 like a good number. And Garrett Wolf said he pressed a

12 thousand pounds. I was like I could do 700.

13 Q Who was your supervisor when you were at

14 Chicago Public Schools?

15 A A Miss . . . I'm still trying to think of

16 her name. Renee Grant Mitchell.

17 Q Was she your superior or supervisor the

18 entire time you were there?

19 A She was the superior the entire – my direct

20 supervisor, it changed one. So I don't remember her

21 name. I just know that was the boss of bosses.

22 Q And how did you get the job at Old Saint

23 Pat's?

24 A My uncle by marriage actually used to work

1 there. Well, he worked there for a long time but he's  
2 actually deceased now.

3 Q What was his name?

4 A His name is Mr. Sean Darke, and that's  
5 D-a-r-k-e.

6 Q And so did you submit an application? How  
7 did you get the job?

8 A Yeah. I had to go through there was an  
9 application process. There was an interviewing process  
10 just like general. I had to do everything everybody  
11 else does to get a job.

12 Q Okay. Who's your supervisor over at Old  
13 Saint Pat's?

14 A Sean Darke.

15 Q Your uncle?

16 A Yep.

17 Q What did you do for Old Saint Pat's?

18 A Event coordination and custodial work.

19 Q And how long did you work for Old Saint  
20 Pat's?

21 A I want to say roughly seven months.

22 Q What was your reason for leaving?

23 A Got a better job.

24 Q Which was?

1       A   I now work at Colorado Tech University  
2       on-line. It's an on-line university. But I work for a  
3       temp agency. It's called Staffing Now.

4       Q   I'm sorry. Staffing?

5       A   Now.

6       Q   Okay. Before we leave Old Saint Pat's did  
7       you ever run into my friend Father Wall?

8       A   Oh, yeah. Oh, yeah. Wall was a great guy.

9       Q   What about Monsenior Catwell?

10      A   Yeah. Do you know Father Hurley?

11      Q   Yeah. So what did you do for Colorado Tech?

12      A   I'm a peer qualifier which basically I help  
13     admissions advisors with inquiries we get about our  
14     school. So I assist in admissions.

15      Q   And that's an on-line university?

16      A   Yes, sir.

17      Q   And you said you're actually employed by  
18     Staffing Now. Where are they located?

19      A   They're downtown on Jackson and I'm not sure.  
20     I just know it's on Jackson.

21      Q   And how did you get that job?

22      A   Monster.com I believe or Careerbuilders.

23      Q   I'm sorry?

24      A   Monster.com or Careerbuilders just like job

1 and Thursdays and Fridays.

2 Q How many hours are you carrying?

3 A I am carrying six.

4 Q Okay. And on October 18 of 2008 how many  
5 hours a week were you working?

6 A I was working 20.

7 Q 20 hours?

8 A Yeah.

9 Q Do you remember what hours you were working?

10 A No, I don't remember exactly what hours I was  
11 working.

12 Q Okay. Now, October 18 of 2008 was a  
13 Saturday, right?

14 A Uh-huh.

15 Q Okay. Did you work on Friday?

16 A Did I work that day? I don't think I worked  
17 that Friday, but I know I had to work that Saturday. I  
18 don't know. Yeah. I don't think so. I don't think I  
19 worked that Friday.

20 Q Okay. Do you know -- what do you remember  
21 doing on Friday before the incident?

22 A The day before the incident?

23 Q Well, if it happened on a Saturday morning,  
24 then what would you be doing that Friday?

1       A   What did I do that Friday? Pretty  
2   much -- did I work that day? Okay. I think – I don't  
3   know. I know I came in the house and I sat down for a  
4   while and I was just relaxing. And the aunt of one of  
5   my very, very close friends, she gave me a call and told  
6   me that my friend was sick who's actually a girl. And I  
7   wanted to go see her and make sure she was okay. It  
8   took like I took her something to make sure she was all  
9   right and I just kind of chilled out over there.

10      Q   Where do you currently live?

11      A   I currently live at 6700 South Merrill.

12      Would you want like my apartment number as well?

13      Q   It's 3W, isn't it?

14      A   Yes, sir.

15      Q   How long have you lived at that address?

16      A   Two years I think.

17      Q   Before that where did you live?

18      A   6733 South Chappell.

19      Q   How long did you live there?

20      A   I want to say eight years.

21      Q   Okay. Do you live alone at 6700 South  
22   Merrill?

23      A   No.

24      Q   Who lives there with you?

1 A My mom.

2 Q What's your mom's name?

3 A My mom's name is Angela Boyle.

4 Q How old is she?

5 A My mother is, she's getting up there, she's

6 47 I think.

7 Q Does she work outside the home?

8 A Could you say that again?

9 Q Does she work outside the home?

10 A No, sir.

11 Q Do you have any brothers or sisters?

12 A Yes.

13 Q Can you tell me their names and ages?

14 A Yes. My brother is Anthony Boyle and he is,

15 this guy is 20. Yeah, he's 20. And Antonio Boyle.

16 Yeah, I know they have the same name. Antonio Boyle, he

17 turns 18 November 13. So he's 17.

18 Q Okay.

19 A My brother Princeton Cain, he is 25. And

20 that's all those guys. And my brother Danzel Lampkins,

21 that's my half brother.

22 Q How do you spell his last name?

23 A L-a-m-p-k-i-n-s. And Sherita Lampkins I

24 believe and Danzel is 18. He just turned 18 on October

1       7. And Sherita is 19.

2       Q    Okay. Is your dad still alive?

3       A    Yes.

4       Q    What's his name?

5       A    His name is Charles Lampkins.

6       Q    And what's your dad do for a living, do you  
7       know?

8       A    No.

9       Q    Do you have any family member in law  
10      enforcement?

11      A    No, not that I know of.

12      Q    Do you have an uncle that's a police chief  
13      anywhere?

14      A    No, not that I know of.

15      Q    Did you call any police officer the night of  
16      your arrest?

17      A    I called not the night of my arrest but when  
18      I received a phone call in lockup, is that the proper  
19      term for it, when I was in lockup and I got a call, I  
20      called my girlfriend and her father's a police officer.

21      Q    Where is he a police officer at?

22      A    In the City of Maywood.

23      Q    Is he the chief in Maywood?

24      A    No. I believe -- I don't want to

1 misrepresent his rank, but I know he's not the chief.

2 Q Do you know what his name is?

3 A Yes. His name is Richard Robinson.

4 Q What is your girlfriend's name?

5 A Alicia Robinson.

6 Q Are you still boyfriend and girlfriend with  
7 Alicia?

8 A Yeah.

9 Q Did Mr. Robinson come and visit you at the  
10 21st police lockup that night or that morning?

11 A I was told he was there, but they wouldn't  
12 let him see me.

13 Q So your testimony is he didn't see you that  
14 morning?

15 A Yeah.

16 Q So did you call your girlfriend or did she  
17 call you while you were in the lockup?

18 A I called her.

19 Q What was your reason for calling her?

20 A Because I knew that she would answer the  
21 phone. That's my girlfriend. And if something is  
22 wrong, she's my girlfriend. If I call her and something  
23 is wrong with me, she's going to notify everybody  
24 immediately.

1       Q   Do you recall what you said to her and what  
2   she said to you during this phone call?

3       A   No. I just know I let her know that I  
4   was – I basically just let her know, okay, I let her  
5   know where I was at and that I was okay or whatever  
6   because as I was leaving the scene from what happened, I  
7   let my friends know to, you know, let everybody, you  
8   know, make sure everybody knows where I'm at. That way  
9   they're not wondering what's going on with me. So I  
10   basically just called her so she wouldn't, you know,  
11   freak.

12      Q   Okay. Do you recall saying anything else to  
13   her other than to let her know you were okay?

14      A   No. Other than that, no.

15      Q   Okay. Who posted your bond that night or  
16   that morning?

17      A   I don't know if I had one.

18      Q   Did you talk to Mr. Robinson at any time on  
19   October 18 or any of the days thereafter?

20      A   After I don't remember. I don't remember if  
21   I talked to him after that.

22      Q   Did you ask your girlfriend to have her  
23   father come down to the 21st District lockup?

24      A   I don't think so. I think that was she did

1 that of her own.

2 Q Does she live in Maywood?

3 A No. She lives in Bellwood.

4 Q And Mr. Robinson lives in Bellwood?

5 A Yes.

6 Q Do you know if -- now, eventually you hooked

7 up with Ashley Glover, Steve Sinclair, and another

8 gentleman, right?

9 A Eventually when?

10 Q Pardon?

11 A Like what period of time are you talking

12 about?

13 MR. KSIAZEK: I object to form and foundation.

14 BY MR. PUJSZIS:

15 Q Where were you coming from before the arrest

16 occurred?

17 A Like a club/lounge. I think it's Ole Lounge.

18 Q Before we get into the O Lounge --

19 A I think it's Ole like Ole.

20 Q O-l-d or O-l-e?

21 A Ole, yeah.

22 Q Like Ole?

23 A Yeah.

24 Q Have you ever been in a union?

1 A Like a job union or anything?

2 Q Yeah.

3 A No, not to my knowledge.

4 Q Have you ever been arrested before?

5 A Before this incident, no.

6 Q Ever been arrested since?

7 A No.

8 Q Have you ever filed a lawsuit other than this

9 one?

10 A No.

11 Q How were you dressed that night?

12 A I was dressed pretty nicely. I had on a

13 striped blue and white LaCoste polo shirt. I had on my

14 black and white vintage acid wash jacket. I had on a

15 pair of Ralph Polo skinny jeans. I had on a pair of Air

16 Jordan sneakers and a Bulls new era hat, fitted cap.

17 Q And how did you get to the Ole Lounge?

18 A We drove. Well, we drove Ashley's car.

19 Q By the way, do you have any identity on

20 Facebook?

21 A Just Charles Cain.

22 Q What's it called Charles?

23 A Charles Cain, C-a-i-n, like my original name.

24 Q Charles K?

1 A Cain, C-a-i-n.

2 MR. KSIAZEK: I object to relevance.

3 BY MR. PUISZIS:

4 Q And what about Twitter, are you on Twitter at  
5 all?

6 MR. KSIAZEK: Continuing objection.

7 THE WITNESS: Charles Cain.

8 BY MR. PUISZIS:

9 Q Again Charles Cain?

10 A Yeah.

11 Q Other than Facebook and Twitter, any other  
12 social networking sites that you visit or that you've  
13 got an identity on, Friendster, My Space?

14 A My Space, yeah. My Space I don't use that  
15 account that much, but I think it's either Apollo Cain  
16 or Charles Cain.

17 Q Have you ever taken any information down off  
18 of any of these sites such as --

19 A Such as?

20 Q -- Facebook or My Space?

21 MR. KSIAZEK: Objection to form, vague.

22 THE WITNESS: Not that I know of. I might  
23 have -- I don't know. I don't think I've like really  
24 tampered with it that much. I've got over 200 pictures

1 up. I don't know.

2 BY MR. PUISZIS:

3 Q Do you have to be a friend to visit your

4 Facebook or My Space account?

5 A Absolutely not.

6 Q It's open to anyone. Have you ever put out

7 any tweets about this lawsuit?

8 A No.

9 Q Or about the arrest?

10 A No.

11 Q Now, you say that there was a group of you

12 who drove in Ashley's car. You said we drove there.

13 Who was all together when you drove, collectively drove

14 to the Ole Lounge?

15 A There was me. There was Kenneth. There was

16 Ashley, and there was Steven.

17 Q Okay. And can I get Kenneth's last name?

18 A Roberson.

19 Q Ashley?

20 A Glover.

21 Q And what is Steven's last name?

22 A Sinclair.

23 Q How long have you known Kenneth Roberson for?

24 A I've known Kenneth for a great majority of my

1 life, maybe seven, eight years of age.

2 Q How long have you known Steven Sinclair for?

3 A For about the same amount of time.

4 Q Would you describe them as close friends?

5 A Yeah, I'm pretty close friends.

6 Q How long have you known Ashley Glover for?

7 A I've known Ashley for at this point about

8 five years, about five, going on six years.

9 Q Okay. Now, what time did you and Kenneth and  
10 Steven and Ashley get together that night?

11 A I want to say it was around maybe I don't  
12 have an exact time but something around like normal  
13 going out time for us maybe 10:00 o'clock, 11:00,  
14 something like that.

15 Q Do you own a car?

16 A No.

17 Q You do have a license, though, right?

18 A Yes.

19 Q Did somebody pick you up or did you go to  
20 someone's house? How did this all start to happen?

21 A I got picked up from my house.

22 Q 67th and Merrill?

23 A Yes.

24 Q Who was in the car when you were picked up?

1 A Ashley, Steven, and Kenneth.

2 Q And did you know where you were going?

3 A Yes.

4 Q So this is something that you guys had talked  
5 about and planned on going?

6 A Yeah.

7 Q Where is the Ole Lounge located?

8 A I actually don't know. I just know it's  
9 north.

10 Q When you say north, is it north side of  
11 Chicago or just north of where you lived?

12 A Yeah, north side of Chicago.

13 Q Do you know how far north? I mean is it  
14 Wrigleyville? Is it Lakewood Balmoral? Is it, you  
15 know, Rush Street? Do you know approximately what  
16 neighborhood or how far?

17 A I'm not sure what neighborhood. I forget.

18 Q Who drove?

19 A Steven.

20 Q Why did Steve drive?

21 A I don't know. It was his girlfriend's car.

22 Q Had you ever been in that vehicle before?

23 A Yes.

24 Q How many times?

1 A I don't know.

2 Q Do you recall any problems with the vehicle  
3 on any other occasion?

4 A No.

5 Q Do you know if that car is owned by Ashley or  
6 Ashley's father?

7 A It might be owned by, it might be owned by  
8 Ashley and her mother perhaps. I'm not sure of the  
9 details.

10 Q Okay. So you guys got together and left  
11 around 10:00, 11:00, somewhere in that area. What time  
12 did you leave -- so did you go directly to the Ole  
13 Lounge?

14 A Yeah.

15 Q Do you recall about what time you arrived?

16 A No.

17 Q You were 21 at the time, right?

18 A Yeah, I'm assuming so.

19 Q How old were Steven, Kenneth, and Ashley in  
20 relation to you, same?

21 A I believe same.

22 Q And did the Ole Lounge sell liquor?

23 A Yes.

24 Q Did you have anything of an alcoholic nature

1 to drink while you were there?

2 A I believe I may have had a beer.

3 Q Just one?

4 A Yeah, if even that.

5 Q What about Steve and Kenneth?

6 A I'm not sure. If they drank, they probably  
7 had – I don't think Steve drank at all. If Ashley  
8 drank, it was probably just one drink because we were  
9 actually there to meet the promoter who promotes the  
10 club so we weren't there really to party.

11 Q And what about Kenneth, did he have anything  
12 of an alcoholic nature?

13 A Not that I know of.

14 Q What was the name of the promoter you were  
15 there to meet?

16 A I don't remember his name. Steven kind of  
17 just wanted me to go, you know, just in case the guy,  
18 you know, said something that he couldn't negotiate or  
19 something like that because that's what I like to focus  
20 on business. Just in case he said anything, you know,  
21 that he didn't agree with, just kind of a comforting  
22 situation.

23 Q What was Steven's interaction with this  
24 promoter for?

1 A I believe to deejay a party for him.

2 Q So Steven is a deejay?

3 A Yeah.

4 Q Does he have a name?

5 A Steve & Midas.

6 Q Steve & Midas?

7 A Yeah.

8 Q Who's Midas?

9 A Like the Greek God who turns everything into  
10 gold.

11 Q He's the only deejay. There's not a second  
12 deejay that takes the role of Midas?

13 A No. I'm saying he'll go by either one I  
14 guess depending on what he does but mainly Midas.

15 Q Do you ever deejay with him?

16 A I've deejayed once, yeah, I've deejayed once  
17 with him.

18 Q Was the promoter there?

19 A Yeah.

20 Q Did you strike a deal or did Steven strike a  
21 deal?

22 A I don't remember. I think he was just like,  
23 man, I need you guys to -- we can meet up again or  
24 something like that so we can talk it out and get a date

1 solidified.

2 Q Was a date ever solidified?

3 A Not that I know of. I didn't attend a second  
4 meeting if there was one.

5 Q Did Steven ever do a show for this promoter?

6 A Not that I know of.

7 Q Did you get a copy of the promoter's card?

8 A No.

9 Q Did Steven?

10 A I don't know.

11 Q What's Kenneth do?

12 A What does Kenneth do? Kenneth works.

13 Q Do you know what he does for a living?

14 A I believe -- I'm not sure. I think he works  
15 at -- I'm not sure, but I know he does work.

16 Q Okay. Does Steven do anything other than  
17 deejay?

18 A Not that I know of. At that time I believe  
19 he was working somewhere. I believe he was working at,  
20 I believe he was working at Best Buy at the time. Yeah,  
21 I think he was.

22 Q I'm sorry. I missed that.

23 A I think he was working at Best Buy as a  
24 Fidart (phonetic) technician. I'm not sure, though. I

1 think so, though.

2 Q What about Ashley, was she working?

3 A Yeah, Ashley works. I'm not sure where she  
4 worked at the time either, a clothing store I think.

5 Q So how long were you at the Ole Lounge for?

6 A I'm not sure. I just know it wasn't too  
7 long.

8 Q Do you remember how long it took you to get  
9 there?

10 A Maybe -- not exactly. Maybe roughly 25  
11 minutes, something like that.

12 Q Okay. Can you describe the promoter for me?

13 A I just remember him as a tall guy, well  
14 dressed. Other than that, I really don't know.

15 Q Was he African-American, white?

16 A He was African-American.

17 Q When you say he was tall --

18 A Taller than me. I don't know if that's  
19 necessarily tall, but he was taller than me.

20 Q Okay. Facial hair?

21 A I don't know.

22 Q Were you introduced to him?

23 A I honestly don't remember.

24 Q So you were at the Ole Lounge. Were you

1 there until closing time?

2 A No.

3 Q Do you know what time that lounge closes?

4 A No. I know it wasn't closing when we left.

5 Q And I take it the four of you -- it was only

6 four of you who went there?

7 A Yeah.

8 Q So the four of you went there. You were

9 there for a period of time and then you left?

10 A Yes.

11 Q Where did you go?

12 A We were on our way home and I believe Kenneth

13 suggested, Kenneth suggested that he needed to make

14 some -- he needed to deposit some money or something

15 like that. So he was like can we stop at the ATM. All

16 right.

17 Q Where does Kenneth live?

18 A Kenneth lives in Calumet City.

19 Q What did Steven Sinclair, where did he live?

20 A He lives on the south side. I'm not sure of

21 his exact address right now.

22 Q Well, in October of '08 where did he live?

23 A I'm not sure of his address at that time

24 either. I believe it should be written down somewhere.

1 Q What about Ashley?

2 A She resides in -- she also resides in the  
3 suburbs.

4 Q So what brought you to 53rd Street?

5 A What brought us to 53rd Street? To stop at  
6 the ATM.

7 Q Who knew there was an ATM there?

8 A All of us considering the fact that they went  
9 to Kenwood with me. It's right down the street from our  
10 school so we figured, you know.

11 Q Where is that ATM located?

12 A I want to say 53rd and Blackstone.

13 Q So Kenneth said he wanted to deposit  
14 something in the ATM?

15 A Yeah. He said he needed to make a  
16 transaction, so we're like all right.

17 Q Where were you guys planning on going after  
18 you left the Ole Lounge?

19 A Going home.

20 MR. KSIAZEK: Do you want to take a break?

21 THE WITNESS: Yeah, sure. That would be great.

22 . (A short break was taken.)

23 BY MR. PUISZIS:

24 Q About how long did it take you to get from

1       the Ole Lounge to near the ATM where this incident  
2       happened?

3           A    I'm not sure.

4           Q    Well, if it took you 25 minutes from your  
5       home at 67th and Merrill, would it be about the same  
6       time from the Ole Lounge --

7           A    Somewhere close to that.

8           Q    Roughly 20, 25 minutes, something like that?

9           A    Yeah, maybe 15 minutes.

10          Q    Did you guys stop anywhere to get anything to  
11       eat?

12          A    Yeah. As a matter of fact, we did. We  
13       stopped to have some pizza.

14          Q    Where did you stop for pizza at?

15          A    There's I believe it's called Sarpino's.

16          Q    Where at?

17          A    It's right across the street from -- it's  
18       diagonal from Ole Lounge.

19          Q    Now, did any problem with the car begin on  
20       the way home?

21          A    No. Until you mean like as we started our  
22       way home?

23          Q    Yeah. At any point after you started home,  
24       did anything unusual happen with the car?

1       A    Yes. When we were on our way to the ATM,  
2      like the horn started to sound.

3       Q    Now, when you say you were on the way to the  
4      ATM, about where were you -- where was the vehicle  
5      located when the horn started to sound?

6       A    Maybe a block, maybe a block to two blocks  
7      away.

8       Q    When you say the horn began to sound, was  
9      it --

10      A    It was a constant sound.

11      Q    Constant. So it was uninterrupted just like  
12     a long horn blaring?

13      A    Yeah. And it just stopped.

14      Q    Do you know how long that horn was blaring  
15     for?

16      A    No.

17      Q    Did it blow for the entire two or three  
18     blocks?

19      A    No.

20      Q    Where were you positioned in the car on the  
21     way home?

22      A    I believe I was in the backseat.

23      Q    Driver's side, passenger's side?

24      A    Don't know that one exactly.

1 Q Who was driving?

2 A Steven.

3 Q Where was Ashley?

4 A Passenger's side.

5 Q I'm sorry?

6 A Passenger's side.

7 Q Front or back?

8 A Front.

9 Q So Kevin was in the back with you?

10 A Yes, Kenneth was in the back.

11 Q I'm sorry. Were you listening to music on  
12 the way home?

13 A I don't remember.

14 Q What do you remember doing on the way home?

15 A Sitting there riding.

16 Q Did anyone say anything when the horn started  
17 going off?

18 A No, not that I know of.

19 Q And do you remember how long approximately  
20 the horn went off for?

21 A No.

22 Q Do you know what caused the horn to stop?

23 A No.

24 Q Do you know what caused it to start?

1 A Not really. Earlier like when we were  
2 leaving out to go out, something was expressed something  
3 was wrong with one -- you know, something was wrong.  
4 And that was pretty much it. I didn't know any details  
5 of what was going on.

6 Q Who said that there was something wrong?

7 A Ashley did.

8 Q And where did this conversation take place?

9 A In the car I'm guessing. I don't know  
10 really.

11 Q On the way to the lounge?

12 A Yeah, I'm assuming.

13 Q What did she say about something being wrong  
14 with the car?

15 A I'm not sure exactly. I just remember she  
16 said something was wrong with it.

17 Q Does Steven or Kenneth own a car?

18 A I believe Kenneth may own one now.

19 Q What about --

20 A Did you say something after?

21 Q What about back then, did Kenneth own a car  
22 then?

23 A I didn't know if he owned one.

24 Q What about Steven, did he own one back then?

1 A Not that I know of.

2 Q So can you describe for me as you were  
3 driving eastbound on 53rd Street and I'm not saying you  
4 driving but you in the backseat, the car is going  
5 eastbound on 53rd Street, what happened?

6 A Could you elaborate like what happened?

7 Q Well, the horn started going off at some  
8 point, right?

9 A Uh-huh.

10 Q How fast was the vehicle traveling at that  
11 point in time, do you know?

12 A The speed limit.

13 Q After the horn goes off, what's the next  
14 thing you remember happening as the car is going  
15 eastbound on 53rd Street?

16 A Us turning.

17 Q Where did you turn?

18 A We were coming the block before Blackstone to  
19 make us go east on 53rd Street. It's kind of before.  
20 So we're traveling south.

21 Q You're going southbound on what, Blackstone?

22 A No. Whatever block is before Blackstone.  
23 I'm not sure right now.

24 Q And is that where the horn began to blow as

1 you're going southbound?

2 A Yeah.

3 Q And then you take a right turn to go

4 eastbound --

5 A Left.

6 Q Left turn?

7 A Left turn.

8 Q And you're going eastbound on 53rd Street?

9 A Yep.

10 Q How far eastbound did you go?

11 A Maybe a block.

12 Q The horn is still blowing?

13 A No.

14 Q When did the horn stop?

15 A Not exactly sure but it was some time between

16 us pulling up to the stop sign that appears there and us

17 making the turn..

18 Q So the horn had stopped before you were

19 actually traveling eastbound on 53rd Street?

20 A Don't know exactly.

21 Q Do you know if you had been driving eastbound

22 on 53rd Street at all while the horn was still going?

23 A I don't believe so.

24 Q Anything that would refresh your recollection

1 as to where the vehicle was at when the horn stopped?

2 A No. I know that -- well, I don't know

3 exactly when it like when it stopped. But I know it

4 stopped like before we actually like fully turned. Like

5 before we actually made our turn, I know it stopped.

6 Q So when you say before you made your turn,

7 are you saying before you made the turn to go eastbound

8 on 53rd Street it fully stopped?

9 A It had stopped. But exactly like what point  
10 in time it did, I don't know.

11 Q Do you know if having a horn blare  
12 continuously for a block or so would violate any  
13 municipal ordinance in the City of Chicago?

14 A I'm not sure if it was blaring for a block or  
15 so, and no to the second part.

16 Q I'm sorry?

17 A I'm saying, no, I don't know if it violates  
18 anything.

19 Q Do you remember driving past the Dunkin'  
20 Donuts?

21 A Yeah.

22 Q You're saying the horn wasn't blaring as you  
23 drove past the Dunkin' Donuts?

24 A No, not to my knowledge.

1 Q What happened next?

2 A What happened next is we came down a block or  
3 so going eastbound. We pulled over so they could go to  
4 the ATM.

5 Q Can you describe for me how the vehicle  
6 pulled over?

7 A Just normal as you pull over to the parking  
8 spot.

9 Q Did you see the -- did you feel the car hit  
10 the curb?

11 A No.

12 Q Did you see any squad car with its lights or  
13 siren activated before the vehicle pulled to the curb?

14 A No.

15 Q So it would be fair to say that -- I'm sorry.  
16 Who was driving, Kenneth?

17 A Steven.

18 Q Steven. Would it be fair to say that Steven  
19 did not pull the car over in response to any officer  
20 signaling with his lights or siren to pull over?

21 A You're saying that it's safe to assume that  
22 he -- could you repeat the question for me?

23 Q Okay. Would it be fair to say that Steven  
24 did not pull the vehicle to the curb in response to a

1 police officer activating his lights and siren?

2 A Yes.

3 Q What happened after the vehicle stopped at  
4 the curb?

5 A After we pulled over, they got out of their  
6 car. Steven and Kenneth got out of the car.

7 Q Where did they go?

8 A To the ATM.

9 Q What did you do?

10 A I sat in the car for a second. And while  
11 they were getting out, they were like why don't you take  
12 a look. Why don't you take a look under the hood and  
13 see what was going on.

14 Q Well, there wasn't a problem anymore, was  
15 there?

16 A Yeah. But in order to stop the problem from  
17 happening again, I think I should take a look at it.

18 Q But you're saying that the horn hadn't been  
19 blowing at while you were on 53rd Street?

20 A No, it wasn't but they said do you want to  
21 take a look at it.

22 Q Let me ask you this. The horn hadn't blown  
23 at all between the time you were picked up and the Ole  
24 Lounge and then the Ole Lounge until you got to the

1 point where you were traveling southbound near 53rd

2 Street, right?

3 A No. Just Ashley expressing that she had had

4 a problem. But the problem never occurred until that

5 time.

6 Q Okay. So if you had been in the car for 40

7 minutes, the horn would have been going on for how long,

8 less than a minute according to your testimony?

9 A Not sure.

10 Q Do you have any automotive background or

11 knowledge of cars or anything?

12 A Not professionally.

13 Q Ever owned a car?

14 A I may have -- no. Wait. I had a car for a

15 short amount of time.

16 Q How short a period of time?

17 A I'm not sure.

18 Q Who did you get the car from?

19 A I actually got the car from my dad.

20 Q How long did you have it for?

21 A Not sure. It was a very short.

22 Q What's very short?

23 A Not sure.

24 Q Less than a week?

1       A    I wouldn't say it was less than a week.

2       Q    Less than a month?

3       A    I'm not sure exactly the time frame I had the

4       car.

5       Q    What kind of car was it?

6       A    It was a Cutlass Sierra station wagon. Yeah.

7       I don't remember what year either.

8       Q    And you anticipated my question. Do you

9       remember the year?

10      A    No.

11      Q    Do you remember the color?

12      A    No, not exactly. I think it was like some

13     shade of brown or something like that.

14      Q    What did you do with the car?

15      A    After I found out that it was -- I junked it.

16      Q    What did you find out about the car?

17      A    That it was just too much. I was going to

18     have to put too much work into it.

19      Q    Where did you junk it at?

20      A    With the company who does that.

21      Q    Where is it located?

22      A    Not sure.

23      Q    Still have the title to the car?

24      A    No.

1 Q Have any sales receipts?

2 A No.

3 Q Was the car stolen at all?

4 A No.

5 MR. KSIAZEK: Objection, relevance.

6 BY MR. PUISZIS:

7 Q Do you remember when it was that you had this  
8 car for a relatively short period of time?

9 A No, not exactly.

10 Q Were you in high school?

11 A I wasn't in high school, no. I was in  
12 college.

13 Q When you were down at U of I?

14 A No. It was while I was living here at that  
15 address I live at now.

16 Q So it would have been in the last two years?

17 A Yeah.

18 Q If I wanted to find this junk company, do you  
19 remember where it's located?

20 A No.

21 Q Is it on the south side of Chicago?

22 A I don't know.

23 Q On the north side of Chicago?

24 A Don't know.

1 Q West side?

2 A Don't know.

3 Q Do you remember anything about the company

4 name?

5 A No, not that I remember.

6 Q How did you find it?

7 A A flyer.

8 Q How did you know you were going to have to

9 put a lot of work into the car?

10 A I actually had it looked at.

11 Q By whom?

12 A A mechanic in I want to say that's -- a

13 mechanic in Oak Park.

14 Q What's the mechanic's name?

15 A I don't remember exactly his name. It's

16 Officer Robinson, it's his mechanic.

17 Q I'm sorry?

18 A Officer Robinson, it's his mechanic who

19 referred me to the guy in Oak Park. Jiffy Lube I think

20 or something like that.

21 Q There's a Jiffy Lube right off the Eisenhower

22 and Harlem and Jackson. Was that the one you went to?

23 A I'm not sure.

24 Q So Steven and Kenneth got out of the car to

1 go to the ATM. How far from the ATM was the car  
2 stopped?

3 A From where he stopped?

4 Q From where the ATM is located to where the  
5 car was stopped, what's the distance?

6 A I'm not sure, not very far, though, maybe not  
7 even a half a block.

8 Q Why did you stop a half a block from the ATM?

9 A It was like the closest part.

10 Q Can you describe for me exactly on the street  
11 where the vehicle came -- where you stopped that car or  
12 where the car was stopped?

13 A Say that again for me.

14 Q Can you tell me exactly where in relation to  
15 the intersection of 53rd and Blackstone where that  
16 vehicle you were in was stopped?

17 A We were parked it may have been like a car or  
18 two in front of us from the corner of 53rd and  
19 Blackstone.

20 Q And you're facing eastbound, right?

21 A Yes.

22 Q Which puts you on the south side of the  
23 street, right?

24 A Yes.

1 Q Okay. Where's the ATM? When Steven and  
2 Kenneth got out of the car to walk to the ATM, which  
3 direction did they travel?

4 A East.

5 Q Okay. For how far?

6 A Maybe a little bit shorter than a half a  
7 block.

8 Q Why couldn't you just pull up right in front  
9 of the ATM?

10 A Because there wasn't a spot there.

11 Q Is it in a bank?

12 A Is the ATM in a bank?

13 Q Yeah.

14 A Yeah.

15 Q Couldn't you pull in the bank parking lot?

16 A The bank to my knowledge doesn't have a  
17 parking lot, that branch rather.

18 Q There's no parking spots in front of the bank  
19 on the street?

20 A At that time I don't think there were any.

21 Q Ashley stayed in the car, right?

22 A Yeah.

23 Q So describe for me what you did when you got  
24 out of the car.

1 A When I got out of the car, I got out of the  
2 car and walked to the hood.

3 Q What did you do then?

4 A I lifted up the hood and was looking for the  
5 I'm not sure what you call it but the hook to prop up  
6 the hood.

7 Q Did you find it?

8 A Eventually, yes.

9 Q Okay. What happened then?

10 A I was approached by someone that told me to  
11 put my F'g hands up.

12 Q Did you see police lights at all?

13 A No.

14 Q Did you hear a police siren at all?

15 A No.

16 Q Who was this person who said put your F'g  
17 hands up?

18 A At that time I didn't know who it was.

19 Q What did you do?

20 A I put my hands up.

21 Q What happened next?

22 A I just turned around and I said, what? He  
23 said, put your F'g hands up. My hands are up. And I  
24 just asked him that.

1 Q I'm sorry. I missed what you last said.

2 A I put my hands up and slowly turned around.

3 Q And what did you see when you slowly turned  
4 around?

5 A I saw a man in a hat, dark coat, glasses.

6 Q One or two?

7 A It was one person that approached me, but  
8 another officer was with him.

9 Q Can you describe this person who approached  
10 you?

11 A The person who approached me, he was not  
12 really dark, maybe a couple shades lighter than myself,  
13 maybe average height, mustache, glasses. That's pretty  
14 much that.

15 Q I take it this was an African-American?

16 A Yes.

17 Q And you said he was wearing a dark coat?

18 A Yeah.

19 Q How else was he dressed?

20 A At that time I just know he had a hat on.

21 Q Did you see what the hat said?

22 A No.

23 Q Did you know he was a police officer?

24 A Not at that moment. He never announced

1 himself to be a police officer.

2 Q What's the next thing that happened?

3 A After that I just put my hands up and turned

4 to him and he said quickly, whose car is this?

5 Q What did you say?

6 A I said it's hers. I pointed with my hand up

7 I pointed towards her and said it's hers.

8 Q What's the next thing that happened?

9 A She said, yes, it's my car. I think he might  
10 have repeated it. He might have said whose car is this  
11 again, and I know she basically said it's mine.

12 Q How did she say that?

13 A Did you say how did she say that?

14 Q Uh-huh.

15 A She said it.

16 Q Well, the hood was up, right?

17 A Uh-huh.

18 Q Did she get out of the car?

19 A No.

20 Q You were still standing in front of the car?

21 A Yes.

22 Q What kind of car was this by the way?

23 A It is I think it's a Chrysler, not sure of

24 the year.

1 Q Color?

2 A Not exactly sure but I believe it's like a  
3 tan, champagne type of color.

4 Q Was it a Sedan or a minivan or what?

5 A It's a four door Sedan.

6 Q Were the windows rolled up or windows rolled  
7 down?

8 A When?

9 Q When you were talking to the officer.

10 A I don't know.

11 Q So the officer asked you at least once, maybe  
12 twice whose car this is and you say it's hers. What's  
13 the next thing that happens?

14 A I looked at him for, you know, like a look of  
15 approval like all right. And then he just kind of just  
16 looked at me like with the play face. I kind of reached  
17 back to go under the hood again.

18 Q So did you turn your back to him?

19 A It was he's like on my side.

20 Q Okay. So you're in front of the car. You'd  
21 be facing what, eastbound?

22 A No.

23 Q If you turned to see him?

24 A If I turned to see him, I would be

1 facing -- if I turned directly to him, I would be facing  
2 north.

3 Q Let me see -- I just want to just understand  
4 it, get it in my mind's eye. The car is facing  
5 eastbound. The hood is up. You're turned to face the  
6 car, right?

7 A Uh-huh.

8 Q Are you standing in the front of it, or are  
9 you standing on the side of it?

10 A I'm standing on the front of it.

11 Q So you're facing westbound, right?

12 A Yeah.

13 Q So then someone comes up to you and says get  
14 your F'g hands up, right?

15 A Uh-huh.

16 Q So you put your hands up and then you turn,  
17 right?

18 A Uh-huh.

19 Q To face this person?

20 A Uh-huh.

21 MR. KSIAZEK: You have to answer yes.

22 THE WITNESS: Yes.

23 BY MR. PUJSZIS:

24 Q Where is he in relation to you when you have

1 your hands up?

2 A When I have my hands up facing the car and I  
3 turn to face him, I have to face north.

4 Q So if you want to face him, you have to face  
5 north. So you turn to your right then or essentially --

6 A Yeah, like open up to my right.

7 Q Okay. How far is the distance between you  
8 and he?

9 A Not much at all.

10 Q When you say not much at all?

11 A Close.

12 Q When you say close, close as I am to you  
13 right now?

14 A A little bit closer.

15 Q A little bit closer. How far would you say  
16 we're apart right now?

17 A In terms of feet?

18 Q Yeah.

19 A I'm not sure.

20 Q Three, four feet?

21 A Yeah.

22 Q Would he have been as close as your lawyer is  
23 to you right now?

24 A Yeah.

1           MR. PUISZIS: So what would you say, Jonathan, two  
2       feet?

3           MR. KSIAZEK: A foot and a half, two feet.

4       BY MR. PUISZIS:

5           Q     Okay. A foot and a half, two feet. That's  
6       fine. Did the officer have a weapon drawn?

7           A     No.

8           Q     Okay. Did you see a second officer anywhere  
9       during this time frame after you turn to the officer?

10          A    I don't remember seeing him until a little  
11       bit later, but I know he was there.

12          Q     Okay. So you're turned to the north. You're  
13       facing him. You tell him it's her car, and you kind of  
14       point to Ashley?

15          A     Kind of use my left hand to point at her.

16          Q     And then you said you turned to go back under  
17       the hood?

18          A     Yes. But I didn't turn all the way back  
19       around. I just . . .

20          Q     You started to go back towards the hood?

21          A     Yeah.

22          Q     So you would have turned to your left to go  
23       back under the hood?

24          A     Yeah.

1 Q What happened then?

2 A Maybe a couple of seconds and he's like show  
3 me some damn ID. Excuse my language. Is that proper?

4 Q Okay. What did you do then when he asked you  
5 to see some ID?

6 A I asked him why.

7 Q Why didn't you show him your ID?

8 A Because I wanted to know why.

9 Q Did you know he was a police officer at that  
10 point in time?

11 A He never expressed.

12 Q Well, did you know he was a police officer?

13 A No.

14 Q So you feel comfortable turning your back on  
15 someone you don't know 2:30 in the morning on a street  
16 where no one else is around not knowing if he's a police  
17 officer or not?

18 MR. KSIAZEK: Objection to form.

19 THE WITNESS: Could you repeat that for me?

20 BY MR. PUISZIS:

21 Q Okay. You say you didn't know he was a  
22 police officer?

23 A Uh-huh. Initially I didn't know he was a  
24 police officer.

1       Q    At some point you learned he was a police  
2   officer?

3       A    By my assumption.

4       Q    When did you assume he was a police officer?

5       A    When I turned around and looked at him.

6       Q    So when he said put up your F'g hands or  
7   whatever you said, you turned to look at him and at that  
8   point you assumed he was a police officer, right?

9       A    Yeah, just because of the question.

10      Q    Okay. So when he asked you to see some ID  
11   and you assumed he was a police officer, why didn't you  
12   show him your ID?

13      A    Because I just wanted to know why he wanted  
14   to see my ID after he asked whose car is this.

15      Q    Have you ever spoken to Mr. Robinson about  
16   the fact that a police officer can ask people for their  
17   identification when a vehicle is stopped?

18      A    The vehicle wasn't stopped. So to my  
19   knowledge I've never spoken to him about anything like  
20   that.

21      Q    Did you ever speak to Officer Robinson about  
22   this incident at all?

23      MR. KSIAZEK: Objection, asked and answered.

24      THE WITNESS: Not that I know of.

1 BY MR. PUISZIS:

2 Q You never asked him if the officers violated  
3 your rights?

4 A We didn't talk much in depth about it.

5 Q You never asked him if the officers ever did  
6 anything wrong?

7 A There definitely was an expression if  
8 something was wrong but not in regards to the question  
9 you're asking.

10 Q Tell me about what you said to Officer  
11 Robinson and what he said to you when you had this  
12 conversation about whether or not the officers did  
13 anything wrong.

14 A Our conversation was more on the grounds of  
15 me being hurt.

16 Q Can you tell me what you said to him and what  
17 he said to you about you being hurt.

18 A I don't know exactly. I just know he asked,  
19 you know, just a general conversation of, you know, how  
20 I'm doing.

21 Q I'm sorry?

22 A Of how I'm doing. This was later.

23 Q Not that night or not the next day?

24 A No.

1       Q    Okay. By the way, how did you get home from  
2   the 21st District police station?

3       A    Public transit.

4       Q    So when the officer asked to see some  
5   identification, you never showed it to him, right?

6       A    I asked him why, so no.

7       Q    My question was, when the officer asked you  
8   for identification, you didn't show it to him, did you?

9       A    No.

10      Q    Anyone ever tell you that refusing to obey a  
11   lawful police officer provides probable cause to make an  
12   arrest?

13      A    No.

14      Q    Okay. After you ask the officer why, what's  
15   the next thing that happened?

16      A    He just said like just because I said so.

17   Just show me some F'g ID.

18      Q    What's the next thing that happened after he  
19   asks you a second time -- he asks you to show him some  
20   identification a second time?

21      A    At this point I detected a little hostility  
22   in his tone so I expressed to him that, sir, I'm not  
23   getting an attitude or anything like that with you at  
24   all. I don't have a problem with authority. I said I'm

1       not getting attitude with you or anything. I'm just  
2       asking why.

3           Q    What's the next thing that happened?

4           A    He said I see how we're going to have to deal  
5       with you.

6           Q    What happened then?

7           A    He grabbed me from where I was standing. He  
8       turned me around and like slammed me into a car near us.

9           Q    He grabbed you and then he turned you around  
10      and what did he do to you, Charles?

11          A    Slammed me into a car. I don't know whether  
12      it was their car or not.

13          Q    Okay. Where was this car that he slammed you  
14      into?

15          A    Close to us. It was in front of us. It was  
16      in front of -- somewhere in front of Ashley's car.

17          Q    Okay. When you say it was close to Ashley's  
18      car, where was it in relation to Ashley's car?

19          A    I'm not sure. I just know it was in front of  
20      us. Like in going east, it was in front of us.

21          Q    How many feet between that car and Ashley's  
22      car?

23          A    I'm not sure.

24          Q    Did the officer actually walk you over

1 several feet and then slam you to the car?

2 A Yeah. It was kind of like a swing.

3 Q Okay. How did the officer grab you?

4 A He grabbed me by the back of my collar. I'm  
5 not sure what place, but I know it was by my back.

6 Q Okay. Now, you had said you had turned to  
7 the left to go back under the hood. And is it while you  
8 were under the hood that the officer asked you for some  
9 ID?

10 A Yeah.

11 Q While you were still under the hood, is that  
12 when you said why or did you turn to face the officer  
13 and say why?

14 A Yeah, I turned to face him.

15 Q You turned to face the officer and you said  
16 why, and then he said something to the effect because I  
17 said so, show me some ID, right?

18 A Uh-huh.

19 Q Were you still face-to-face with the officer  
20 at the time?

21 A He was still like on my side. I didn't -- I  
22 never, well, I kind of turned around but it was more  
23 opening up like I expressed to you the first time.

24 Q Right. When he asked you the second time to

1 see some identification, can you describe more of what  
2 part of your body would be aligned with the officer's  
3 chest? Would it be your left shoulder, your right  
4 shoulder, your chest, your back, or what?

5 A It would be kind of my I'm assuming my chest.

6 Q So you were almost face-to-face then?

7 A Yeah.

8 Q Okay. And how far apart were the two of you?

9 A A little -- I'm not sure, something along the  
10 same amount of feet we discussed but we weren't that  
11 close but he had backed up a little bit.

12 Q Okay.

13 A He didn't necessarily back up. But by me  
14 stepping by the car put me a little bit distance.

15 Q So there was a little bit more distance  
16 between the two of you than the first time he asked for  
17 some identification, right?

18 A Yeah.

19 Q By the way, the second time he asked to see  
20 some identification, had you seen the second officer  
21 from the University of Chicago at all?

22 A Not that I recall, not that I recall at this  
23 point.

24 Q By the way, do you know where the University

1 of Chicago squad car was in relation to Ashley's car?

2 Was it parked behind it, in front of it? Was it on the  
3 street?

4 A I'm not sure. It might have been -- I'm not  
5 sure.

6 Q Had you seen the Mars lights on the squad  
7 car, the flashing red lights on at all?

8 A No.

9 Q So you're face-to-face to him or  
10 chest-to-chest with him and then he grabbed -- this  
11 officer grabbed you by the back of your collar?

12 A Uh-huh.

13 Q And then what did he do?

14 A He pushed me into the car. He like slammed  
15 me into a car.

16 Q Do you remember taking any steps before you  
17 came into contact with this other car?

18 A No.

19 Q Okay.

20 A You mean like steps in voluntary steps?

21 Q No. Did you step at all or was this  
22 something out of WWF where he literally takes you and  
23 threw you into the turn buckle?

24 A Nothing like that. I had to step. I didn't

1 like leave my feet.

2 Q Do you remember how many steps you took?

3 A No.

4 Q What happened next after you say this officer  
5 slammed you into another car?

6 A When he slammed me into another car after he  
7 said, you know, I see how we're going to have to deal  
8 with you, the other officer he came up and he punches  
9 me.

10 Q I'm sorry?

11 A He strikes me in the lower back.

12 Q Okay. So when you get slammed into this  
13 other car -- by the way, do you know what kind of  
14 vehicle this other car is?

15 A No.

16 Q Do you remember if you were slammed into the  
17 hood or the trunk or what part of the car your body  
18 comes into contact with?

19 A No.

20 Q Okay. Are you actually bent over the vehicle  
21 at all?

22 A No, I wasn't like all the way bent over. So  
23 no. I don't know.

24 Q What part of your body actually came into

1 contact with the vehicle?

2 A My head.

3 Q Your head?

4 A Yeah.

5 Q Was this a truck?

6 A It might not have been a truck, but I think

7 it was just a regular car. I don't know what type of

8 car it was.

9 Q Okay. Were Steven and Kenneth a half a block  
10 down at this point by the ATM?

11 A Yes. Were they by the ATM or were they in  
12 it?

13 Q You tell me. Do you know one way or another?

14 A They were in it.

15 Q They were in it. So neither Steven nor  
16 Kenneth observed this part of the incident, right, to  
17 your knowledge?

18 A To my knowledge I don't know.

19 Q Well, you said they went to go down to the  
20 ATM which is about a half a block down, right?

21 A Uh-huh.

22 Q Was it a half a block east or a half a block  
23 west?

24 A It's a half a block east.

1 Q And they had to go into the ATM?

2 A Yes.

3 Q Had either Steven or Kenneth ever told you  
4 they saw any part of this incident at this point where  
5 the officer initially slammed you into the car?

6 A They didn't get into detail of what exactly  
7 they saw.

8 Q Was this car that you were slammed into, that  
9 was east of Ashley's car, right?

10 A Facing east, yeah.

11 Q Were there other cars parked in front of this  
12 car as you were going eastbound?

13 A Was there more cars in front of her car?

14 Q The car in front of Ashley's car, were there  
15 other cars as you would go eastbound on 53rd Street?

16 A I don't know.

17 Q Were there – do you remember if there was  
18 trees on the south side of 53rd Street as you go  
19 eastbound from where Ashley's car toward the ATM?

20 A I don't know.

21 Q But during the time frame when you get  
22 slammed into the car, Steven and Kenneth were in the  
23 ATM?

24 A Yeah.

1 Q Okay. You say this second officer came up  
2 and punched you in the back?

3 A Uh-huh.

4 MR. KSIAZEK: That's a yes, right?

5 THE WITNESS: Yes. Sorry about that.

6 BY MR. PUISZIS:

7 Q What part of your head came into contact with  
8 the car?

9 A Kind of like the side like in the front of my  
10 head. It was kind of like a collision. I can't  
11 describe.

12 Q Do you remember which side of your head?

13 A No.

14 Q Right side, left side?

15 A No, I don't know.

16 Q What happened when your head allegedly came  
17 into contact with this other car?

18 A What happened after that?

19 Q Yeah.

20 A The other police officer came up and punched  
21 me in the back.

22 Q Okay. What happened then?

23 A He's like we're going to get your ass.

24 That's what he says to me.

1 Q What's the next thing that happened?  
2 A This is when I become a little bit scared and  
3 I'm just like, you know, I like turned around, like I  
4 tried to turn around. I'm like hold on. I'm not doing  
5 anything. Please stop hitting me.

6 Q What happened when you tried to turn around?

7 A They just continued to hit me.

8 Q They continued to hit you?

9 A Yeah.

10 Q How long did they continue to hit you?

11 A As far as time, I'm not sure.

12 Q Where did you get hit?

13 A Pretty much in the body. It was just hits.

14 It was just a flurry of hits on the body, a couple  
15 shots.

16 Q What were you doing during this time fame?

17 A Nothing.

18 Q Nothing? You weren't trying to defend  
19 yourself?

20 A No. At most, no, I wasn't trying to defend  
21 myself.

22 Q Where are your hands?

23 A My hands were to my side.

24 Q What happened next?

1       A    What happened next? They continued trying to  
2   wrestle me and trying to hit me and they kept screaming  
3   shut the F up, shut the F up repeatedly and kept hitting  
4   me. And then the next thing he said stop resisting.

5       Q    And you weren't doing anything I take it,  
6   right?

7       A    No.

8       Q    So these officers continued to beat you for  
9   how long of a period of time?

10      A    I'm not sure on the time frame.

11      Q    A minute, two minutes?

12      A    I don't know. It's kind of hard to keep  
13   track of time.

14      Q    How many times would you say you were hit?

15      A    That whole night?

16      Q    Well, during this incident before you were  
17   put in the handcuffs, how many times were you hit?

18      A    A lot.

19      Q    Can you give me an estimate?

20      A    Numbers, I can't give you an estimate of  
21   numbers. I just know a lot. At this point in the  
22   series of being hit before I got cuffed there was  
23   kicking. There was hitting. There was stomping. I  
24   don't know.

1       Q   And you weren't doing anything to resist the  
2   officers at all?

3       A   No. And I expressed this repeatedly.

4       Q   Do you know why the two officers at the scene  
5   would have called in an officer needs assistance if you  
6   were not doing anything to resist?

7       A   I don't know. The point they were wrestling,  
8   they were hitting, they kept trying to like wrestle me  
9   to the ground. While they were trying to wrestle me to  
10   the ground, they kept hitting me. I kept expressing to  
11   them I'm not resisting.

12      Q   Do you remember actually picking up one of  
13   the officers, carrying them over to the squad car and  
14   putting them back down on the passenger's side of the  
15   squad car front seat and the other officer then jumping  
16   on your back?

17      A   Could you say that again?

18      Q   Do you remember actually picking up one of  
19   the University of Chicago officers, carrying them over  
20   to the squad car and putting them straight over on the  
21   backseat and the other officer jumping on your back?

22      A   Absolutely not.

23      Q   Do you remember kicking an officer from the  
24   University of Chicago in the face and breaking his

1       glasses during this incident when you weren't resisting?

2           A    No. His glasses fell off while he was  
3                   wrestling me. I do remember that.

4           Q    You remember an officer's glasses falling off  
5                   while you were wrestling?

6           A    I remember them falling off. I remember him  
7                   expressing my glasses fell or you made my glasses fall.  
8                   We're going to kill you or something along those. I  
9                   said I'm sorry. I'm not resisting. I didn't mean to  
10                  make your glasses fall or anything like that, and they  
11                  just persisted.

12           Q    You don't remember one of the officers  
13                  grabbing your legs while you were on the ground and you  
14                  kicking him in the face?

15           A    While I was on the ground?

16           Q    Yeah.

17           A    No. Before that incident I want to answer  
18                  your question you asked before then as far as the ground  
19                  like why didn't they call for backup. Did you want that  
20                  question answered?

21           Q    I think you already answered the question.  
22                  What I'd like now is the answer to this question. Do  
23                  you remember kicking one of the officers in the face  
24                  when he had your legs on the ground?

1 A No.

2 Q Now, you indicated you were wrestling with  
3 the officers?

4 A No, I wasn't wrestling. They were trying to  
5 wrestle me.

6 Q They were trying to wrestle you. What were  
7 you doing then?

8 A Nothing. I was just crouched.

9 Q You were just crouched?

10 A Yeah.

11 Q The officers ever get you to the ground?

12 A Eventually.

13 Q How long did it take the officers to get you  
14 to the ground?

15 A Not sure. While I was crouched and while I  
16 was wrestling, an officer he pulls out what I found out  
17 to be his flashlight. He hits me in the stomach with  
18 it. One of the officers like pulls down my pants, and  
19 I'm steadily screaming to them I'm not resisting.

20 Please stop hitting me. I continuously expressed this.  
21 They're like just stop, stop moving. And just kept  
22 hitting me.

23 And at this point I had kind of like  
24 took -- he pulled my pants and underwear down, which was

1 it was ridiculous and humiliating. He pulled my pants  
2 down or whatever. And I pulled my underwears back up  
3 and my pants halfway back up. I'm like pulling them  
4 like this while I'm crouched down being hit. I'm like  
5 please stop. I'm not resisting. I actually broke to  
6 one knee. Once he hit me or whatever I just broke to  
7 one knee to let him know I'm not resisting continuously.

8 Q And they continued to hit you?

9 A Yeah. Wouldn't stop for a second, though, so  
10 they could call backup.

11 Q Do you remember which officer pulled out the  
12 flashlight and struck you with it?

13 A I believe it was -- I'm not sure. I'm not  
14 sure.

15 Q Do you remember if it was the  
16 African-American officer who initially approached you or  
17 if it was the Hispanic officer who was his partner?

18 A I'm not sure. I believe it to be the  
19 Hispanic officer.

20 Q Which officer was it that pulled your pants  
21 down and your underwear down?

22 A That's the Hispanic officer.

23 Q Do you know which officer called for a 10-1  
24 officer needs assistance?

1 A I'm not sure.

2 Q In your mind the officers didn't need  
3 assistance because you weren't resisting at all, right?

4 Is that a yes?

5 A Yes. I'm sorry.

6 Q How long would you say you were being hit and  
7 the officers were trying to wrestle you to the ground  
8 until additional officers arrived on the scene?

9 A I'm not sure.

10 Q Do you remember additional officers arriving  
11 at the scene from the University of Chicago?

12 A Yes.

13 Q How many additional officers arrived?

14 A I'm not sure.

15 Q Now, you've told us that the officers hit you  
16 with their fists. One slammed you into the car, slammed  
17 your head into the car, and another one hit you with his  
18 flashlight. Did the officers do anything other than hit  
19 you with a flashlight, slam your head into the car, and  
20 then beat you with their fists?

21 A Did those two do anything besides that or the  
22 officers in general?

23 Q Well, let's start with those two. Did those  
24 two do anything other than that to you? Did any of them

1 kick you, knee you, mace you, do anything else to you?

2 A I'm not sure who else was kicking me. I'm  
3 assuming they took part.

4 Q Do you know who it was that was kicking you?

5 A When the other officer showed up, all I heard  
6 was like a car door slam and people running. And I just  
7 know somebody out of nowhere just came up and kicked me  
8 in my chest, neck area like in here like right by my  
9 collar bone.

10 Q How long did this incident with the officers  
11 run? How long did it take?

12 A I'm not sure.

13 Q So we know one officer kicked you in the  
14 chest, neck area. Your head was slammed into a car.  
15 Officers beat you with their fists. Another hit you in  
16 the stomach with a flashlight. What else did they do to  
17 you?

18 A When someone kicked me in the neck, I  
19 remember someone kicking me directly in the back. Like  
20 right after he kicked me in the neck, somebody came  
21 right behind him and kicked me in the back.

22 Q Okay. You said the officers punched you.

23 You said one officer punched you in the back. Where  
24 else were you punched?

1       A    I was punched in the chest. I probably got  
2       punched in the face. They were just punching all over.

3       Q    I know I may have asked this already and I  
4       apologize. But until the time you were put in  
5       handcuffs, how many times would you say you were punched  
6       by an officer?

7       A    I don't know.

8       Q    Can you give me a ballpark?

9       A    No, I can't even give you a ballpark. I just  
10      know it was a lot of punches. I couldn't count.

11      Q    More than ten?

12      A    I can't really give you a number. I'm sure  
13      more than ten.

14      Q    More than 20?

15      A    I don't want to -- I just know it was a lot  
16      of punches. I don't know. I wasn't counting.

17      Q    You've seen guys goofing around punching each  
18      other, and I'm sure you've done this with your friends  
19      just like rock 'em sock 'em robots not really hurting  
20      anybody. That's not the type of punches that were being  
21      thrown here, were they?

22      A    No. Those were combative punches. Maybe  
23      having fun in a boxing match, they might count or I  
24      might count. But by me being attacked I have no time to

1 count.

2 Q But did you see the officers actually lean  
3 back and put their body weight into these punches?

4 A I felt the punches.

5 Q And it hurt?

6 A Yeah.

7 Q And you were injured?

8 A Yeah.

9 Q Now, the next -- after you were taken to the  
10 21st police station lockup and released you went home,  
11 right?

12 A After I went to?

13 Q After you were at the 21st police station,  
14 21st police district station, you went home, right?

15 A Uh-huh.

16 Q Had photos taken of you?

17 A Uh-huh.

18 Q How long after the incident were these photos  
19 taken of you?

20 A How long after the incident?

21 Q Yeah.

22 A They were taken as soon as I got home from  
23 the police station.

24 MR. PUISZIS: Let's mark this, first of all, as

1 Charles Boyle Deposition Exhibit No. 1 for  
2 identification purposes.

3 (Boyle Deposition Exhibit No. 1  
4 was marked for identification.)

5 BY MR. PUISZIS:

6 Q Mr. Boyle, could you take a look at that  
7 photograph, please. And there's a Bates stamp number on  
8 the side there. Do you see the number?

9 A Yeah.

10 Q What's the number for the record?

11 A This number on the left-hand side?

12 Q Yeah.

13 A It's 000094.

14 Q Do you recognize that as one of the  
15 photographs that were taken of you immediately after  
16 this incident?

17 A Yes

18 Q Okay. Does that photograph truly and  
19 accurately depict the condition of your face following  
20 the incident of October 18, 2008?

21 A Could you say that again?

22 Q Does the photograph truly and accurately  
23 depict the condition of your face as it existed on  
24 October 18, 2008?

1 A Yes.

2 Q Now, were these photographs taken before or  
3 after you went to the hospital?

4 A Before.

5 Q Who took the photographs?

6 A Me.

7 Q These are photographs you took of yourself?

8 A Yes.

9 Q Were you planning to file a lawsuit?

10 A I just know I wanted to take -- I just know I  
11 wanted to take pictures of what happened.

12 Q What was your reason for wanting to take  
13 pictures?

14 A I'm not very, very familiar with how the  
15 legal system works but I knew that I didn't want -- you  
16 know, I knew I was going to take some action. I knew I  
17 was going to take some action.

18 MR. PUISZIS: Can you mark this Deposition Exhibit  
19 No. 2.

20 (Boyle Deposition Exhibit No. 2  
21 was marked for identification.)

22 BY MR. PUISZIS:

23 Q Charles, could you take a look at that  
24 photograph for me which has been marked Deposition

1 Exhibit 2 for identification purposes. Do you recognize  
2 that as another one of the photographs you took of  
3 yourself?

4 A Yes.

5 Q Does that photograph truly and accurately  
6 depict the condition of your face as it existed on  
7 October 18 of 2008?

8 A Yes.

9 MR. PUISZIS: Let's mark this as Deposition Exhibit  
10 3, and for the record this one is Bates stamped 000086.

11 (Boyle Deposition Exhibit No. 3)

12 was marked for identification.)

13 BY MR. PUJSZIS:

14 Q Charles, would you please take a look at  
15 Deposition Exhibit 3, please.

16 A That would be this, correct?

17 Q Do you recognize that as another photograph  
18 you took of yourself immediately following this incident  
19 before you even went to the hospital on October 18,  
20 2008?

21 A Yes.

22 Q Does that photograph truly and accurately  
23 depict the condition of your face as it existed on  
24 October 18, 2008?

1       A . I may have taken a better picture of my eye

2       but yes.

3       Q    But that photograph does truly and accurately

4       depict the condition of your face?

5       A    Yes.

6       Q    What kind of camera were you using to take

7       that photograph?

8       A    A normal basic digital camera.

9       Q    Did you take photographs of your elbow?

10      A    I'm not sure. I may have.

11      Q    Now, do you remember how many officers it

12     took to put you in handcuffs that night?

13      A    I'm not sure. After -- when I got kicked in  
14     the back, I was immediately like on my stomach. My face  
15     was touching the ground. So I'm not sure and I just  
16     know I was repeatedly kicked after that but I'm not sure  
17     of how many officers it took to cuff me.

18      Q    Do you remember it took four officers to put

19     you in handcuffs that night?

20      A    If it took four officers to put me in  
21     handcuffs, not that I know of. I believe one person put  
22     the cuffs on me.

23      Q    Now, after you -- let's focus from the time

24     you were put in handcuffs. You were on the ground,

1 right?

2 A Yeah.

3 Q The officers got you up off the ground?

4 A Yeah.

5 Q How did they do that, grabbed you by the arms  
6 and lifted you up?

7 A I don't remember. I just know they pulled me  
8 up.

9 Q Okay. What happened after you were lifted up  
10 off the ground after you were placed in handcuffs?

11 A I was facing the street and where I saw CPD  
12 officers. They asked me, what are you doing and why are  
13 you causing trouble? And I expressed to them that I  
14 have never been arrested. I'm not causing any trouble,  
15 you know, I don't get into any trouble. That's what I  
16 basically expressed to them. At that point an officer,  
17 I believe one of the officers I remember them telling me  
18 to shut up and then they slammed me into the car. I  
19 don't remember what car this was, but I know it was the  
20 trunk of the car, slammed me on to the trunk of the car  
21 face and all. And I remember the black officer leaned  
22 over to me and expressed to me shut up. If this was a  
23 couple years ago, I would have killed you.

24 Q Okay. There was a lot there and I want to

1 make sure I understand what you were saying.

2 A Sure.

3 Q You said they asked me why you were causing

4 trouble, and you said something to the effect about

5 never been arrested before, you never caused trouble,

6 words to that effect or something like that. When you

7 said they asked you, who are you referring to?

8 A The CPD officers.

9 Q Do you know the name of the CPD officer who

10 asked you this question?

11 A No.

12 Q And then you said one of the officers told

13 you to shut up, right?

14 A Shut the F up.

15 Q Okay.

16 A If that matters.

17 Q I missed the F the first time, but which

18 officer said shut the F up?

19 A I believe it was -- I'm not sure. I remember

20 both of them saying something to me. Both of the

21 initial officers, the Hispanic guy and the black

22 officer, I remember both of them saying something to me.

23 Like I just know the Hispanic officer was basically

24 assisting and basically saying shut up the kid or

1 something like that.

2 Q But the officers who told you to shut up were  
3 from the University of Chicago?

4 A Yeah.

5 Q And you said one of the officers slammed me  
6 into the trunk?

7 A That was Moore. That was the black officer.

8 Q So you know his name?

9 A Yeah.

10 Q How did you know his name?

11 A I later learned his name.

12 Q How did you later learn his name?

13 A When they took me to the station on 20th  
14 whatever street that is. I don't remember the exact  
15 street of that station.

16 Q Were you transported to the police station in  
17 a University of Chicago squad car --

18 A No.

19 Q -- or a Chicago Police squad car?

20 A Chicago Police car.

21 Q Okay. Did you have any conversation with any  
22 Chicago police officer while you were in their squad car  
23 in route to the police station?

24 A Yeah. It was just something they were like,

1 are you all right? And I expressed to them no.

2 Q Anything else? Any other conversation you  
3 had with that officer?

4 A In the car they just basically asked me, are  
5 your cuffs too tight? And I said, yes, because the way  
6 I was in the car I wasn't even sitting like straight up.

7 My cuffs were so tight I was like almost laying up  
8 against the window behind the driver.

9 Q Do you remember if they had you in one set of  
10 cuffs or they had to put two sets of cuffs together?

11 A Later they put two sets of cuffs on me.

12 Initially it was one set of cuffs.

13 Q So they actually took one cuff off and put a  
14 second set of cuffs and hooked the two handcuffs  
15 together, right?

16 A Repeat that.

17 Q When we talk about two sets of handcuffs, a  
18 lot of times when people are really big and muscular and  
19 strong, they have trouble getting their hands behind  
20 their back close enough so that they can get handcuffed  
21 with a second set of cuffs.

22 A There was a single set of cuffs initially.

23 Q But then sometimes what officers will do is  
24 they'll actually hook a pair of handcuffs together, put

1       one handcuff from one set of cuffs on one wrist, the  
2       other handcuff from the other set of cuffs so it's two  
3       links of handcuffs behind someone's back. When you said  
4       there were two sets of handcuffs on you, was that what  
5       the officers did?

6           A    No. You said something to the effect were  
7       like two sets of handcuffs like for my feet. Like later  
8       they handcuffed my hands to some chain that connected to  
9       my feet way later. Initially one set of cuffs.

10          Q    I'm sorry. I apologize for the confusion.

11          At the scene or in route to the police station you were  
12       always in one set of cuffs?

13          A    From my knowledge, yes, one set of cuffs.

14          Q    Okay. Fair enough. So you had these  
15       conversations with the officers in route to the police  
16       station lockup. What's the next thing that happened?

17          A    After I expressed to them my cuffs were too  
18       tight and they just chatted a little bit, nothing big, I  
19       just let them know I don't want to cause any trouble. I  
20       don't want to cause anybody problems, and that was that.

21          Q    What's the next thing that happened?

22          A    When I got down to whatever station that is,  
23       I hate to get the address wrong, is it 21?

24          Q    21st police station.

1 A Yeah, 21st police station I was taken into  
2 some strange room. I was handcuffed to a bench.

3 Q What happened then?

4 A They basically were trying to figure out I  
5 guess what they were -- what the university police  
6 wanted to charge me with.

7 Q What were you charged with?

8 A I believe -- I'm not sure exactly. I  
9 believe -- I'm not sure.

10 Q Were you fingerprinted, photographed, booked?

11 A This was later after I was transported. I  
12 was transported from -- after they did this talking,  
13 they transported me from there to I believe which is  
14 53rd Street lockup.

15 Q And eventually you were fingerprinted,  
16 photographed, booked?

17 A Uh-huh.

18 Q Okay. And did that happen -- where did that  
19 happen, do you know?

20 A Where did the fingerprinting and stuff?

21 Q Yeah.

22 A That was at 51st, yes.

23 Q Did you see any of the University of Chicago  
24 officers later that evening?

1 A Later, what do you mean later that evening?

2 Q At all while you were at either of the  
3 Chicago police stations that you've mentioned to us.

4 A At the first station which is at 20 . . .

5 MR. KSIAZEK: 21st.

6 THE WITNESS: 21st, yes. 21st Street station, yes,  
7 they were there for most of the time.

8 BY MR. PUISZIS:

9 Q Did you say anything to them, or did they say  
10 anything to you during this time frame?

11 A They said something to me. When the CPD  
12 officers left out, the University of Chicago police they  
13 expressed something like it's amazing you're not  
14 bleeding the way we whipped your ass. We're good. And  
15 they kind of laughed it up.

16 Q And where did this conversation occur?

17 A At the 21st Street station.

18 Q Where exactly were you located in the 21st  
19 Street station?

20 A I'm not sure. I just know it was a room  
21 with -- just a room, jury room.

22 Q Were you still handcuffed to a bench?

23 A I'm still handcuffed to a bench.

24 Q And is that where Mr. Robinson arrived?

1       A    I'm not sure. At what case in point he met  
2       with anybody, I'm not sure. All I know is later I was  
3       told they wouldn't let him see me.

4       Q    Who told you they wouldn't let you see him?

5       A    Ashley told me that they wouldn't let me see  
6       him.

7       Q    When did Ashley tell you that?

8       A    Like later, like later I guess like some time  
9       after it all happened.

10      Q    The next day?

11      A    Maybe the next day.

12      Q    Do you remember what time you bonded out?

13      A    No.

14      Q    Did you have your cell phone with you after  
15       you bonded out?

16      A    I don't know.

17      Q    Has Ashley or Steven or Kenneth or anyone  
18       else told you that they took photographs of this  
19       incident?

20      A    No.

21      Q    Has Steven or Ashley or Kenneth or anyone  
22       that you know of told you they videotaped any part of  
23       this incident?

24      A    No, to my knowledge, no.

1 Q What exactly did Ashley say -- did you ever  
2 see Ashley get out of the car?

3 A Wait. During what period of all that?

4 Q During any part of this incident, did you  
5 ever see her get out of the car?

6 A No.

7 Q What was the temperature like that night?

8 A I'm not sure. Average fall day I'm guessing.

9 Q And at any time during this incident before  
10 this beating occurred did you ever put the hood of the  
11 car down?

12 A I'm not sure what happened with the hood.

13 Q But you don't remember putting the hood down?

14 A No.

15 Q And as far as you know, the hood was up  
16 during this entire incident?

17 A Not necessarily. I don't know.

18 Q Well, unless somebody took it down, it would  
19 still be up, wouldn't it?

20 A I don't know.

21 Q Did you put the bar up to keep the hood up?

22 A I believe hers had like an automatic. I know  
23 I found something and propped it up.

24 Q And when you turned away from the car to talk

1 to the officer, the hood didn't fall down, did it?

2 A No.

3 Q Either of the times you turned away from the  
4 hood to talk to the officer?

5 A Did the hood go down?

6 Q Yeah.

7 A No, not that I know of.

8 Q Do you know if Ashley still lives at 13033  
9 Seeley in Blue Island?

10 A I believe she does. I'm not sure, though.

11 Q Do you know if Kenneth Roberson still lives  
12 at 34 Warren in Calumet City?

13 A I believe he does.

14 Q Does Steven Sinclair still live at 7834 South  
15 Langley in Chicago?

16 A I'm not sure.

17 Q Do you know where he lives?

18 A I'm not sure. I'm not sure of the  
19 confirmation of any of the addresses right now, but I  
20 believe they do still live there.

21 Q Do you know who Chris Golden is?

22 A Yes.

23 Q Who is she?

24 A That's actually a guy.

1 Q Who is he?

2 A My barber.

3 Q Your barber?

4 A Yes.

5 Q How did your barber happen to witness the end  
6 of this incident?

7 A Well, where that ATM is in the Hyde Park  
8 area, my barber shop is only a couple of feet away from  
9 it like in that, you know, it's not very far at all.

10 Q Your barber shop is open at 2:30 in the  
11 morning on a Saturday, no, Friday night?

12 A Saturday.

13 Q He lives at 55th and Everett?

14 A Yeah.

15 Q How was he at 53rd and Blackstone at 2:30 in  
16 the morning?

17 A I believe he was contacted.

18 Q Who contacted your barber that night?

19 A I'm not sure.

20 Q Have you spoken to him about this incident?

21 A You know, about what happened?

22 Q Yeah.

23 A No, not extensively at all.

24 Q Did you tell him that you listed him as

1 someone who has --

2 A Yes.

3 Q So he's aware of that?

4 A Yes.

5 Q Who's Romell Walker?

6 A That is his girlfriend.

7 Q Whose girlfriend?

8 A That's Chris's girlfriend.

9 Q Okay. Did Chris drive there to the scene?

10 A I'm not sure.

11 Q Do you know how his girlfriend happened to be  
12 at the scene with him?

13 A No.

14 Q Do you know what part of the incident he  
15 witnessed?

16 A I'm assuming something towards the end  
17 because I did see him.

18 Q When did you see him during the course of  
19 this incident?

20 A While I was on the car, when I was pushed  
21 down to the car by Moore, I was able to see him like on  
22 the curb and hear him as well.

23 Q How far away from you was he when this  
24 allegedly happened?

1       A    I'm not sure as far as how close but he was  
2   fairly close. He was being -- they were being like  
3   pushed back away from me. They were being held on to  
4   the curb, and I was like the car was in the street so.

5       Q    Well, is Chris also Kenneth and Steven's  
6   barber?

7       A    Yes. I don't know if he was Kenneth's at the  
8   time but yes.

9       Q    So he's Steven's barber and may have been  
10   Kenneth's?

11      A    Yes.

12      Q    Now, you've got some tattoos on your arms?

13      A    Yes.

14      Q    Can you tell me what they are?

15      A    I have a tattoo on my left arm which is of  
16   the praying hands.

17      Q    Okay. And what's that tattoo signify?

18      A    It's a phrase that my grandmother always  
19   used. Well, I mean I'm a Christian and my grandmother  
20   was very religious. And a phrase that she used to  
21   say -- she always had praying hands around the house,  
22   and it's always symbolic of Christianity from my  
23   knowledge. And the phrase that she used to say is pray  
24   until it hurts and there's also a script around it, too.

1 Q And then on the other arm?

2 A I have a tattoo on my right arm which is of a  
3 cloud.

4 Q What's that signify?

5 A Just my dreams.

6 Q Now, you went to the emergency room that day.  
7 Which hospital did you go to? Was it Trinity?

8 A Yes.

9 Q Were you admitted?

10 A No.

11 Q How long were you at the emergency room for?

12 A I'm not sure.

13 Q A couple of hours?

14 A Yeah, perhaps.

15 Q Were you discharged home in good condition?

16 A I believe there was some more medical  
17 instructions besides that, but I was definitely good to  
18 leave in a couple of hours.

19 Q Right. Did they indicate in their -- you've  
20 seen the medical records, haven't you?

21 A I might have.

22 Q And they discharged you home and listed your  
23 condition as good?

24 A I'm not sure what that means.

1       Q    Well, do you know what good condition means,  
2    don't you, as opposed to bad condition?

3       A    There were medical instructions so I could be  
4    100 percent.

5       Q    Right. Are you aware of the fact that they  
6    indicated your head was atraumatic in the emergency  
7    room?

8       A    Could you say that again?

9       Q    Are you aware of the fact that they listed  
10   your head as atraumatic in the emergency room?

11      A    No.

12      Q    You know what atraumatic means, right?

13      A    No, sir.

14      Q    Are you aware of the fact that they said your  
15   neck had a normal range of motion?

16      A    No.

17      Q    Are you aware of the fact that they listed  
18   your cervical spine as nontender?

19      A    No.

20      Q    You know what the cervical spine is, right,  
21   the neck?

22      A    Yeah.

23      Q    And you're aware of the fact that they listed  
24   your chest as nontender?

1 A No.

2 Q Are you aware of the fact that they listed  
3 your abdomen as nontender?

4 A No.

5 Q Now, this incident happened on October 18.  
6 You went to South Shore Hospital nine days later?

7 A Uh-huh.

8 Q Why did you go to South Shore Hospital?

9 A Because my elbow was still hurting.

10 Q Do you remember telling the people at South  
11 Shore Hospital you were physically assaulted by Chicago  
12 Police while you were being arrested?

13 A If they asked, I believe I did.

14 Q Okay. Do you also remember telling an  
15 Aguillina Aquillara at South Shore Hospital that you  
16 made a report with the Chicago Police Department, you  
17 were released shortly thereafter and that you were not  
18 the suspect they were looking for? Do you remember  
19 saying something to that effect to that particular  
20 person at South Shore Hospital?

21 A No.

22 Q Well, if, in fact, you told someone that you  
23 were released by the Chicago Police because you were not  
24 the suspect they were looking for, that would not be

1 true, would it?

2 A Could you say that again?

3 Q If, in fact, you told someone at South Shore  
4 Hospital that you were released by the Chicago Police  
5 Department because you were not the suspect they were  
6 looking for, that would not be true, would it?

7 A It would not be true that if I did say that.

8 I didn't say it.

9 Q You didn't say that?

10 A No.

11 Q So if this is in the medical records, the  
12 medical records are in error?

13 A Maybe I'm guessing grammatically or, you  
14 know, as far as context because I don't believe that's  
15 the nature of this situation. So maybe it was  
16 misunderstood. I'm not sure.

17 Q Have you ever used the name Charles DeAngelo?

18 A No.

19 Q Do you remember filing a complaint with the  
20 City of Chicago and the University of Chicago Police  
21 Department about officers involved in this arrest using  
22 the name Charles DeAngelo?

23 A No.

24 Q Did you ever file a complaint with the

1 University of Chicago about the University of Chicago  
2 officers involved in this incident?

3 A Yeah, I tried to.

4 Q Okay. What name did you use when you did  
5 that?

6 A My name just Charles Boyle.

7 Q You didn't use Charles DeAngelo?

8 A No, I've never used that name.

9 Q Did you make a complaint to the City of  
10 Chicago --

11 A No.

12 Q -- about their officers?

13 A No.

14 Q No. Do you remember being told by your  
15 mother that the University of Chicago was trying to get  
16 in contact with you about your complaint because they  
17 were investigating the complaint you made about the  
18 University of Chicago officers?

19 A No.

20 Q Do you remember -- do you have a cousin  
21 Aaron?

22 A Yes.

23 Q Do you remember your cousin Aaron ever  
24 telling you that Sergeant Kevin Murray from the

1 University of Chicago called him about your complaint  
2 against the University of Chicago officers and asked  
3 that you contact them?

4 A No. I didn't receive that message. Kevin  
5 Murray . . .

6 Q Do you remember getting a certified letter to  
7 the name of Charles DeAngelo?

8 A No.

9 Q At 6700 South Merrill about the University of  
10 Chicago investigation?

11 A No, not to my recollection.

12 Q What happened to your pants in this incident?

13 A Because of all the activity and being  
14 attacked on the ground, like the denim is ripped, the  
15 pants are ripped a little bit and my like the crotch  
16 area where the zipper is was ripped up a little bit.

17 Q Have you ever worn those pants since this  
18 incident?

19 A No.

20 Q Do you still have them?

21 A Yes.

22 Q Okay. And what happened to your Air Jordans?

23 A I still have them.

24 Q Have you worn them since?

1 A Yes.

2 Q What about the coat you were wearing?

3 A Yeah, I still have it.

4 Q Any damage done to the coat?

5 A A pocket got ripped but.

6 Q Have you ever worn it since?

7 A Yep.

8 Q Do you have it?

9 A Yep, yes. I'm sorry.

10 Q So other than your pants being ripped a  
11 little bit, any other damage to any other clothing you  
12 wore?

13 A Yeah, my shirt.

14 Q What happened to your shirt?

15 A My shirt was totally ripped from the top of  
16 the collar all the way down to the like mid-chest area.  
17 It was ripped up a little bit, filthy.

18 Q How much did you pay for it?

19 A I believe it was like 88 to 100, somewhere  
20 around there.

21 Q And what about the pants?

22 A Something that was more than 100.

23 Q Okay. Are you aware of the fact that you  
24 listed \$800 in damages for your clothing?

1 A Considering the fact that my shoes were  
2 damaged that I still wear them, though. Those  
3 were -- yeah, I believe in totality that's how much it  
4 was worth.

5 MR. PUISZIS: Can we mark this as Deposition  
6 Exhibit 4, please.

7 (Boyle Deposition Exhibit No. 4)

8 was marked for identification.)

9 MR. KSIAZEK: Can we take a break.

10 (A short break was taken.)

11 BY MR. PUJSZIS:

12 Q Charles, would you take a look at Deposition  
13 Exhibit 4 for identification purposes, please. Do you  
14 see that photograph?

15 A You said do I see it?

16 Q Yeah. Do you see it in front of you?

17 A Yes.

18 Q Do you recognize it as a photograph you took  
19 of yourself?

20 A Yes.

21 Q Is that a picture of your chest?

22 A Yes.

23 Q Does that photograph truly and accurately  
24 depict the condition of your chest as it existed on

1      October 18, 2008?

2      A    Yes, for the most part.

3      Q    I'm sorry. Is that a yes?

4      A    Yes.

5      Q    Did you take any photographs of your stomach?

6      A    I don't know.

7      Q    Did you take any photographs of your back?

8      A    I don't remember if I did.

9      Q    Now, when you went to South Shore -- I'm  
10     sorry. You went to Trinity the day after this incident,  
11     right?

12     A    Uh-huh.

13     Q    Were you given the name of a physician to  
14     follow-up with?

15     A    I don't know. I believe they always in your  
16     discharge papers give someone.

17     Q    Right. Well, my question is, did you  
18     follow-up with that physician?

19     A    No.

20     Q    Did you follow-up with any physician?

21     A    Besides the trip to South Shore?

22     Q    Right.

23     A    No.

24     Q    Do you have a family doctor?

1 A No. I actually just actually located a  
2 primary caretaker.

3 Q Okay. Well, I mean was there somebody who  
4 when you were in high school and early in college you  
5 went to for physicals to play football and stuff like  
6 that?

7 A In high school, yeah, my childhood doctor.

8 Q Who was who?

9 A Chanda Mindi (phonetic).

10 Q I'm sorry?

11 A Chanda Mindi. This would be before, yeah, in  
12 high school.

13 Q And since you got out of high school you've  
14 not seen a physician for any reason other than regarding  
15 this incident?

16 A Yeah, I've seen a physician.

17 Q Is there a physician that you routinely go to  
18 when you have problems like colds or flu or you hurt  
19 yourself weightlifting or anything?

20 A No, small stuff like that, no.

21 Q So there hasn't been anybody you've routinely  
22 gone to see since high school?

23 A No.

24 Q No. Okay. Now, you went to South Shore I

1 think it was nine days later. Why didn't you go back to  
2 Trinity?

3 A I believe South Shore was closer. And the  
4 second time, I believe the second time I went I don't  
5 believe I had a ride. I was on transit. That's a  
6 further commute.

7 Q Who took you to Trinity?

8 A Ashley.

9 Q Ashley did?

10 A Yes.

11 Q Why did she take you to Trinity?

12 A Because she had a car.

13 Q Did your mother accompany you to either  
14 hospital visit?

15 A I know she didn't. The first trip it was  
16 just me. I don't know. I actually don't remember.

17 Q In your Answers to Interrogatories you  
18 indicate you missed a day of work?

19 A Yes.

20 Q Okay. Where were you working?

21 A Staffing Now.

22 Q I'm sorry?

23 A Staffing Now where I'm currently employed.

24 Q And you were earning \$60 a day you claim?

1 A Yes.

2 Q And what was your reason -- what day did you  
3 miss work?

4 A The day because it was I believe it was the  
5 night of because the day I was in jail, whatever time I  
6 was in jail is the time that I missed. And is that  
7 correct, it was a Saturday or is that a -- I am just  
8 asking.

9 Q You were released on a Saturday?

10 A Yeah. That's the day I missed.

11 Q Okay. Well, you work from home, right?

12 A No.

13 Q I thought with Staffing Now you work at home?

14 A Absolutely not.

15 Q Where do you go to work?

16 A The Merchandise Mart.

17 Q And on October 18 you told me you were  
18 working 20 hours a week?

19 A At that point, yes, I was part-time.

20 Q And what hours did you work on Saturday?

21 You're working 12:30 to 9:30 now I think or something  
22 like that, right?

23 A You said how many hours am I working now?

24 Q No. I think you said now when you're working

1       40 hours a week, your hours are generally from –

2       A    My shift is 12:30 to 9:00. But I've been  
3       there two years and my shift has changed a couple of  
4       times. So I don't remember what time frame I was  
5       working.

6       Q    Do you remember what shift you were working  
7       on October 18, 2008?

8       A    No.

9       Q    Okay. Do you know if you would have been  
10      working during the time frame you were taking  
11      photographs of yourself?

12      A    I'm not sure.

13      Q    Do you remember telling an investigator from  
14      the City of Chicago who was investigating a complaint  
15      that you didn't want to pursue a complaint against the  
16      City of Chicago or the University of Chicago police  
17      officers because you had another way of dealing with  
18      this?

19      A    I don't remember saying that.

20      Q    Do you know when it was that you decided you  
21      were going to file a lawsuit?

22      A    No. I don't remember at which point I wanted  
23      to, you know, I actually got a lawyer to handle the  
24      criminal part of the case.

1       Q    Right. You think if you had given the  
2 officers your ID, none of this incident would have  
3 happened?

4       MR. KSIAZEK: Objection as to speculation.

5 BY MR. PUISZIS:

6       Q    You can answer.

7       A    I'm not sure.

8       Q    Do you remember making bond at 11:15 on that  
9 Saturday morning?

10      A    I don't know exactly what time it was.

11      Q    Well, whatever the bond says about the time  
12 you were out, that would be correct, right?

13      A    I'm assuming so.

14      MR. PUISZIS: I don't have anything else right now,  
15 Charles. Thank you. I may have after Helen asks but.

16      MS. GIBBONS: I just have a few questions.

17      THE WITNESS: Sure.

18                   EXAMINATION

19 BY MS. GIBBONS:

20      Q    Hi, Mr. Boyle. My name is Helen Gibbons. I  
21 represent the City of Chicago police officers Darling  
22 and Martin. And I just wanted to kind of step back and  
23 understand when exactly the first time you saw them was.  
24 I believe you testified just earlier that it was after

1 you were in handcuffs and you were standing back up

2 again; is that right?

3 A Yeah.

4 Q And can you describe the University of

5 Chicago police uniform for me?

6 A I don't know what the uniforms look like. It

7 was just dark. I just know they were dark.

8 Q Do they look different than the Chicago

9 Police Department uniforms?

10 A I'm not sure. He had on a coat. He had like

11 on a jacket I do believe, so I wouldn't know what his

12 uniform looked like.

13 Q When you say he, which he are you referring

14 to?

15 A The black University of Chicago officer.

16 Q Okay. Now, how did you know that the two

17 officers you said were Chicago police officers? How did

18 you know they were CPD?

19 A Because they were standing kind of – they

20 were in the street and their car was behind them and

21 they were standing next to their car. So they kind

22 of – they were like just standing there next to each

23 other, and their car was right there next to them. So

24 an assumption.

1 Q Was it a marked squad car?

2 A I believe, yeah, one of them, yeah.

3 Q Did the marked squad car look different than  
4 the University of Chicago squad cars?

5 A I don't know.

6 Q But you saw CPD on it?

7 A I just saw the blue, and at that point I  
8 think some more guys might have pulled up down the  
9 street or something like that. So there were, you know,  
10 I don't know, though.

11 Q Do you recall how many City of Chicago police  
12 officers were on the scene?

13 A No, not exactly, not exactly. I just know  
14 for sure there were at least two because I was in the  
15 car with two.

16 Q Do you recall seeing any officer with a white  
17 shirt on while you were there?

18 A Not to my knowledge.

19 Q You saw them there and then the University of  
20 Chicago police officers were walking you towards that  
21 squad car?

22 A Wait. Say that again.

23 Q You saw the City of Chicago police officers  
24 when you stood back up, and then the University of

1 Chicago police officers were walking you towards them?

2 A They kind of -- they weren't necessarily  
3 walking me towards them. But the way they lifted me up,  
4 I was facing them.

5 Q What side of the street were they on?

6 A What side of the street? They were in the  
7 street, like in the middle of the street.

8 Q Their car was just in the middle of the  
9 street?

10 A They were just in the street.

11 Q About how many squad cars were there?

12 A I don't know.

13 Q More than two?

14 A I don't know.

15 Q More than three?

16 A I don't know.

17 Q How did you get from where you were initially  
18 standing when you stood up to the City of Chicago squad  
19 car?

20 A How did I get inside that car?

21 Q How did you get there and how did you get  
22 inside?

23 A How did I get to their car?

24 Q Uh-huh.

1       A    I believe I was like handed over or something  
2      like that. I'm not 100 percent sure. But I know I was  
3      lifted up by somebody by the cuffs, slammed upon the  
4      car, and I don't know how I made that transition  
5      from – maybe I was handed to them or something like  
6      that. I don't know.

7       Q    Do you recall who actually put you into the  
8      Chicago squad car?

9       A    No.

10      Q    When you were slammed onto the car the second  
11     time, you were slammed after you stood up, right?

12      A    Yeah.

13      Q    Was that the same car you were initially  
14     slammed into?

15      A    I don't know. I'm not sure. I'm not sure at  
16     all. I just know that it was the trunk of a car. I  
17     know that I was on a flat surface of a car because of  
18     how my body was crouched, so I know it was part of a  
19     car. What car, I mean I don't know.

20      Q    Now, it was that time you said somebody said  
21     to some degree shut up. If this was a couple years ago,  
22     I would have killed you?

23      A    Yes.

24      Q    Like when was that? When was that said to

1 you?

2 A This was after I was lifted up off the  
3 ground. I was facing the CPD as I said. They asked me  
4 along the lines of -- you know, I told them my car is in  
5 trouble. And when he slammed me on the car after saying  
6 this, that's when he said it. Like all at once slammed  
7 me on the car and went on to proceed with that  
8 statement.

9 Q Who slammed you onto the car?

10 A I believe that would be the black officer of  
11 University of Chicago.

12 Q Now, the second officer who was the second  
13 University of Chicago officer who was involved, was he  
14 also standing near you at that point in time?

15 A Yes.

16 Q Do you recall seeing Steven and Kenneth at  
17 this point in time when you were standing back up?

18 A Not when I'm standing back up. When I'm  
19 placed on the car, it gives me the vision to see the  
20 curb, to see who's all on the curb. So, yes, I can see  
21 them.

22 Q Were they on the north side of the street or  
23 the south side of the street?

24 A That would be the south side of the street.

1 Q Who are they standing with?

2 A They are standing with police officers.

3 They're standing with, they're standing with Chris.

4 They're standing with Romell. They're standing with I  
5 believe, yeah, that's who they're standing with. All  
6 the parties I named they were standing there.

7 Q Do you recall if they were standing with  
8 University of Chicago police officers?

9 A I don't know.

10 Q Were they saying anything?

11 A Were they saying anything? They were just  
12 like saying a bunch of things like, are you all right?  
13 They were talking to the police. It was just a lot of,  
14 you know, there was a lot of talk. I don't know.

15 Q Did you say anything to them?

16 A No.

17 Q And this whole time Ashley stays in the car?

18 A I'm not sure. I don't think she was in the  
19 car the whole time.

20 Q But you don't recall seeing her across the  
21 street with everybody else?

22 A With everybody else, I believe she was out of  
23 the car by then. I don't remember, though. She knows  
24 for sure, but I believe she was out of the car by then.

1 Q Do you recall when she got out of the car?

2 A No, I don't have any knowledge when exactly  
3 she may have gotten out of the car.

4 Q Do you recall when Steven and Kenneth came  
5 back to the area from the ATM?

6 A I don't know what point in time they came  
7 back from there when they came back from the ATM.

8 Q Has your license ever been suspended?

9 A No.

10 Q Now, the two Chicago Police Department  
11 officers, can you describe their physical appearances to  
12 me?

13 A Could you say that again?

14 Q Can you describe the Chicago police officers'  
15 physical appearance, please?

16 A The Chicago police officers?

17 Q Uh-huh.

18 A One of them I believe he was a dark-skinned  
19 guy, might have had some facial hair, about average  
20 build. That's pretty much it. The other one I don't  
21 remember exactly how he was.

22 Q The first man you described, was he taller  
23 than you or shorter than you?

24 A I don't know.

1 Q Do you remember if he was a heavier build or  
2 a slimmer build?

3 A I don't know.

4 Q What kind of facial hair do you recall?

5 A I don't know. I just remember him maybe  
6 having some facial hair.

7 Q Was he wearing glasses?

8 A He might have. I'm not sure.

9 Q Do you recall if he had any special kind of  
10 haircut, if his hair was longer or short?

11 A I don't know.

12 Q The second officer, do you recall if he was  
13 taller than you, shorter than you?

14 A No, I don't remember.

15 Q Was he black, white, Hispanic?

16 A I don't know. He might have been black. I  
17 don't know.

18 Q Did you ask for treatment when you were in  
19 the Chicago Police car?

20 A They asked me was I okay. I told them I was  
21 hurt and that was it.

22 Q When you were later transported to the second  
23 station where your fingerprints were taken, did they ask  
24 you if you needed medical care?

1 A I don't remember. I just remember them doing  
2 a lot of hollering. I don't remember.

3 Q A lot of what? I'm sorry?

4 A A lot of hollering. I don't remember.

5 Q What do you mean by hollering?

6 A Just hollering. I was in a strange  
7 atmosphere. I don't know.

8 Q Were they hollering at you?

9 A It was just strange. It was a really strange  
10 atmosphere. I don't know.

11 Q I just want to step back to when you're being  
12 transported to the 21st District police station, the  
13 first police station. What else was said between you  
14 and the Chicago police officers?

15 A On the ride there?

16 Q Uh-huh.

17 A Basically, you know, just are you all right?  
18 Are the cuffs too tight? I just said, yeah, and they  
19 said all right.

20 Q Did you ask them anything about the other  
21 police officers?

22 A No.

23 Q Did you know at this point in time that there  
24 were University of Chicago police officers and City of

1 Chicago police officers?

2 A From the point I was in the City of Chicago

3 Police Department car, I pretty much assumed they were

4 both type of police out there.

5 Q Just to clarify, but did you know at that

6 point in time that previously when you were in the

7 process of being arrested that they were University of

8 Chicago police officers involved?

9 A Wait. Say that again.

10 Q I'm just trying to understand when you came

11 to know that there's University of Chicago police

12 officers involved in this situation as well as City of

13 Chicago police officers.

14 A Well, initially those were University of

15 Chicago police and then after that I was put in the

16 Chicago Police Department car. So that's how I knew

17 there were two parties. And as I stated, when they were

18 standing in front of the car, I assumed that they were

19 not University of Chicago police.

20 Q What else was said to you in transport?

21 A In transport to 21st nothing other than I

22 just let them know I'm not here to cause any trouble.

23 Q What did they say to you?

24 A They just said just be quiet, you know.

1       That's pretty much that.

2       Q    Did they say anything else?

3       A    No.

4       Q    Did you say anything else to them?

5       A    No.

6       Q    What about at the station, did you have any  
7   conversations with any other Chicago police officers?

8       A    When I got there, I let them know what was  
9   said to me. That's for sure. I let them know what was  
10   said to me as in regards to the statement that the U of  
11   C police made in saying that, you know, that it's  
12   amazing that I'm not bleeding from the way they whipped  
13   me and that they were kind of bragging on the fact what  
14   they did and it seemed a little bit sympathetic towards  
15   that. They were like that's messed up. It's messed up  
16   what they did. And that was pretty much that.

17      Q    Did they say anything else?

18      A    No. They just said, you know, that's messed  
19   up that they did that. I can't believe that they would  
20   do that and, you know, they was like that's really  
21   messed up. One of them said something along the lines  
22   of they might have just got scared and just decided to  
23   beat you up. That's messed up.

24      Q    Do you recall which officer said that?

1 A No, not at all.

2 Q How did you come to use Ed Fox as your  
3 attorney in a criminal matter?

4 A Just by searching.

5 Q Where did you search?

6 A Google.

7 MR. PUISZIS: It's called search engine  
8 optimization.

9 BY MS. GIBBONS:

10 Q I just want to step way back earlier that  
11 evening. You mentioned something about how when you  
12 guys were first going out, Ashley said something was up  
13 with the car. She made some sort of indication.

14 A Uh-huh.

15 Q What did she say?

16 A It was very, you know, I mean she didn't know  
17 much about cars at all. So, you know, the way she was  
18 just using was really vague terms like I don't know.

19 Something is wrong with my car. My horn is acting up,  
20 you know, it's just something going on. It's nothing  
21 too major, just, you know, she was just letting me know.

22 Q So she did specify at that point in time  
23 there was something funny about the horn?

24 A It was a little bit all over the place. She

1 didn't know. She was like something is wrong with my  
2 car. She was just a little bit all over it.

3 Q I just want to understand a little bit more  
4 about Chris Golden and his girlfriend. You said  
5 somebody called them?

6 A Yes.

7 Q Why do you think that somebody called them?

8 A I guess because he's an older guy. He's our  
9 barber. He's somebody we know that lives in the  
10 neighborhood. I'm kind of a member, you know, I went to  
11 school in the neighborhood. So he serves as a figure  
12 for us. I guess they got a little scared themselves and  
13 called somebody who was older.

14 Q He didn't tell you who called him?

15 A No.

16 Q Were you ever in the military?

17 A No.

18 MS. GIBBONS: I have nothing else.

19 MR. PUISZIS: Just a couple follow-ups.

20 EXAMINATION

21 BY MR. PUISZIS:

22 Q Charles, is there anything you can't do now  
23 physically that you could do before this incident?

24 A You mean like physically?

1       Q    Yeah, anything at all as a result of this  
2   incident.

3       A    Not that I know of.

4       Q    Okay. Going back and I apologize if I asked  
5   this already. I just want to make sure.

6       A    That's right.

7       Q    Chris Golden and Romell Walker, do you know  
8   if they took any photographs or video of the incident?

9       A    Not to my knowledge.

10      Q    Okay. Now, have you had any emotional  
11   problems since this incident?

12      A    Absolutely.

13      Q    What kind of emotional problems have you had?

14      A    Just, just when I see police officers now,  
15   I'm a little more scared more so as I wasn't because I  
16   was comfortable being around officers considering the  
17   fact that my girlfriend's -- I'm not scared of him.

18      Well, sometimes but, no, not scared of him. But I get a  
19   little scared now when I see certain police. I still go  
20   get my haircut in Hyde Park. And when I see their cars,  
21   I just get nervous.

22      Q    Okay. Has that prevented you from doing  
23   anything socially or engaging in any type of activity  
24   you would have otherwise engaged in prior to this

1 incident?

2 A I actually just started getting my haircut  
3 back on 53rd where I was going to 51st to get it cut  
4 just because I wasn't comfortable. I just felt bad.

5 Q Other than changing your barber and there's  
6 nothing you've done differently now as a result of this  
7 incident than before?

8 A Like as far as actions?

9 Q Right.

10 A No.

11 Q Not had any nightmares, not waking up in cold  
12 sweats thinking about police officers, anything like  
13 that, right?

14 A No. That's different. Speaking of that,  
15 it's just thoughts.

16 Q Just thoughts?

17 A Yeah. I get thoughts all the time when I'm  
18 around police officers just I don't know, just, you  
19 know, a little scared.

20 Q Other than, you know, being scared around  
21 police officers, no other emotional problems that you've  
22 had since this incident?

23 A Besides being scared a little bit, a little  
24 bit.

1       Q   Not seeing anyone in terms of psychologists,  
2   psychiatrists, social worker, or anyone like that for  
3   treatment about these feelings, right?

4       A   No. Excuse me. I'm sorry. Can I take a  
5   break?

6                     (A short break was taken.)

7       MR. PU SZIS: Then I don't have any other  
8   questions. Charles, now that the dep is done, you have  
9   a right to either look at the deposition and make sure  
10   the court reporter got all the questions down and the  
11   answers correct or you don't have to look at it and then  
12   you can waive that right to look at the deposition. And  
13   we always ask the deponent what they want to do.

14      MR. KSIAZEK: It's basically just for spelling if  
15   you get some names wrong or something like that.

16      THE WITNESS: Should I take a look?

17      MR. KSIAZEK: It's up to you if you want to look  
18   over it but you can't change any of your testimony. So  
19   it's basically for any spelling errors.

20      THE WITNESS: It's okay.

21      MR. KSIAZEK: It's okay. Then we'll waive.

22      MR. PU SZIS: Okay. Signature is waived.

23                     (Further deponent saith  
24                             naught.)

1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF C O O K )

4 I, JENNIFER A. BUCKLEY, a notary public within and

5 for the County of Cook and State of Illinois, do hereby

6 certify that heretofore, to-wit, on the 26th day of

7 October 2009, personally appeared before me, at 222

8 North LaSalle Street, Suite 300, Chicago, Illinois,

9 CHARLES BOYLE, in a cause now pending and undetermined

10 in the Circuit Court of Cook County, Illinois, wherein

11 CHARLES BOYLE is the Plaintiff, and UNIVERSITY OF

12 CHICAGO POLICE, et al., are the Defendants.

13 I further certify that the said witness was first

14 duly sworn to testify the truth, the whole truth and

15 nothing but the truth in the cause aforesaid; that the

16 testimony then given by said witness was reported

17 stenographically by me in the presence of the said

18 witness, and afterwards reduced to typewriting by

19 Computer-Aided Transcription, and the foregoing is a

20 true and correct transcript of the testimony so given by

21 said witness as aforesaid.

22 I further certify that the signature to the

23 foregoing deposition was waived by counsel for the

24 respective parties.

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1        I further certify that the taking of this  
2        deposition was pursuant to Notice, and that there were  
3        present at the deposition the attorneys hereinbefore  
4        mentioned.

5        I further certify that I am not counsel for nor in  
6        any way related to the parties to this suit, nor am I in  
7        any way interested in the outcome thereof.

8        IN TESTIMONY WHEREOF: I have hereunto set my hand  
9        and affixed my notarial seal this 11th day of November  
10      2009.

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*James Buckley*

NOTARY PUBLIC, COOK COUNTY, ILLINOIS